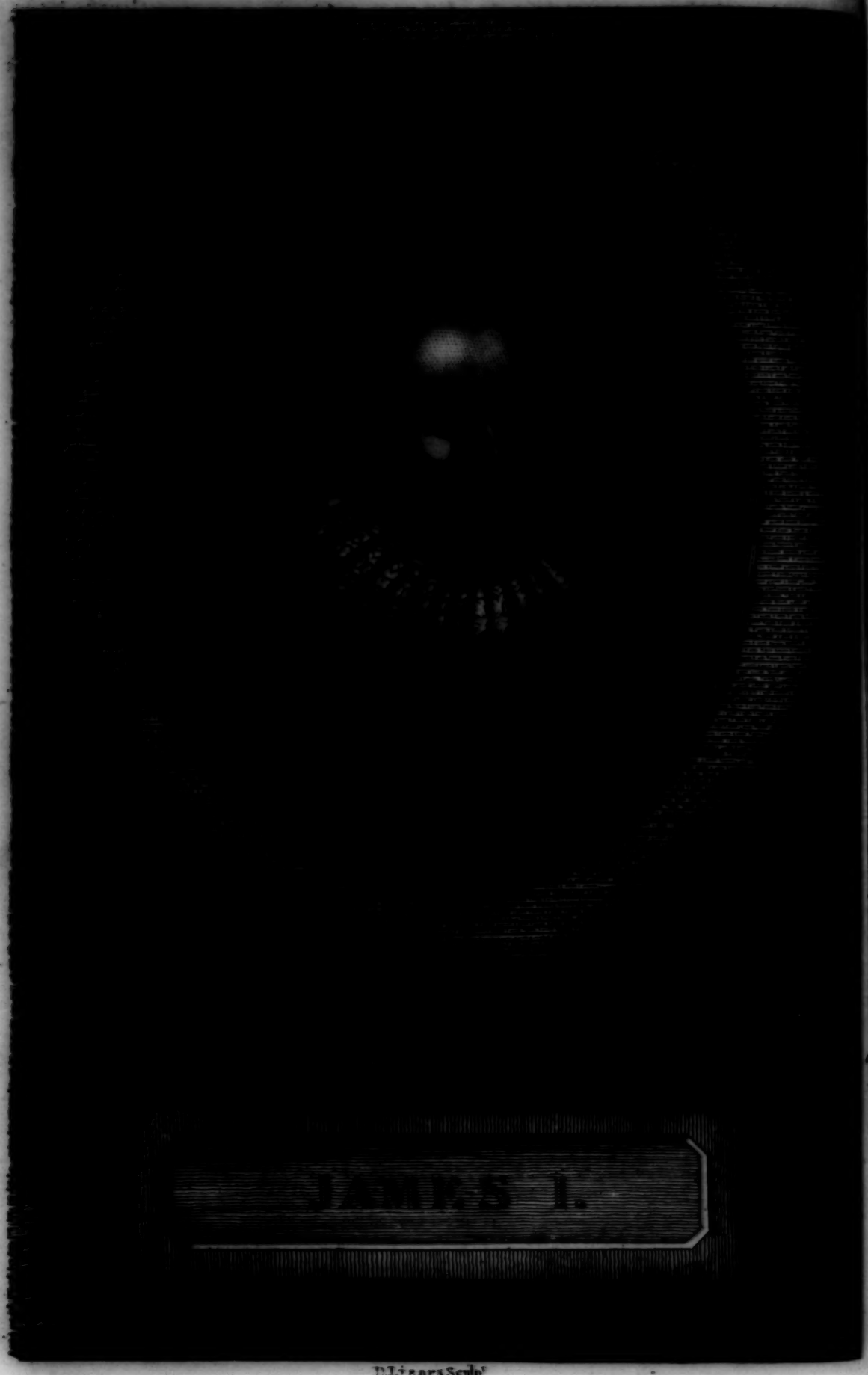
THE

HISTORY

OF

ENGLAND.

VOLUME VI.



D. Lizars Sculp.

THE

HISTORY

OF

ENGLAND,

FROM THE

INVASION OF JULIUS CÆSAR

TO

THE REVOLUTION IN 1688.

IN EIGHT VOLUMES.

BY DAVID HUME, Esq.

VOL. VI.

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WITH THE AUTHOR'S LAST CORRECTIONS AND IMPROVEMENTS.

To which is prefixed,

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WRITTEN BY HIMSELF.

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THE

HISTORY

OF

GREAT BRITAIN.

JAMES I.

CHAP. XLV.

Introduction——James's first transactions——State of Europe——Rosni's negociations——Raleigh's conspiracy——Hampton-court conference——A Parliament——Peace with Spain.

THE crown of England was never transmitted from father to son with greater tranquillity than it passed from the family of Tudor to that of Stuart. During the whole reign of Elizabeth, the eyes of men had been employed in search of her successor; and when old age made the prospect of her death more immediate, there appeared none but the king of Scots, who could advance any just claim or

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pretenſion to the throne. He was great grandſon of Margaret, elder daughter of Henry VII. and, on the failure of the male-line, his hereditary right remained unqueſtionable. If the religion of Mary queen of Scots, and the other prejudices contracted againſt her, had formed any conſiderable obſtacle to her ſucceſſion, theſe objections, being entirely perſonal, had no place with regard to her ſon. Men alſo conſidered, that though the title, derived from blood, had been frequently violated ſince the Norman conqueſt, ſuch licenſes had proceeded more from force or intrigue, than from any deliberate maxims of government. The lineal heir had ſtill in the end prevailed; and both his excluſion and reſtoration had been commonly attended with ſuch convulſions as were ſufficient to warn all prudent men not lightly to give way to ſuch irregularities. If the will of Henry VIII. authoriſed by act of parliament, had tacitly excluded the Scottiſh line; the tyranny and caprices of that monarch had been ſo ſignal, that a ſettlement of this nature, unſupported by any juſt reaſon, had no authority with the people. Queen Elizabeth too, with her dying breath, had recognized the undoubted title of her kinſman James; and the whole nation ſeemed to diſpoſe themſelves with joy and pleaſure for his reception. Though born and educated amidſt a foreign and hoſtile people, men hoped, from his character of moderation and wiſdom, that he would embrace the maxims of an Engliſh monarch; and the prudent foreſaw greater advantages, reſulting from a union with Scotland, than diſadvantages from ſubmitting to a prince of that nation. The alacrity with which the Engliſh looked towards the ſucceſſor, had appeared ſo evident to Elizabeth, that, concurring with other cauſes, it affected her with the deepeſt melancholy; and that wiſe princeſs, whoſe penetration and experience

fience had given her the greateſt inſight into human affairs, had not yet ſufficiently weighed the ingratitude of courtiers, and levity of the people. CHAP. XLV. 1603.

As victory abroad and tranquillity at home had attended this princeſs, ſhe left the nation in ſuch flouriſhing circumſtances, that her ſucceſſor poſſeſſed every advantage, except that of compariſon with her illuſtrious name, when he mounted the throne of England. The king's journey from Edinburgh to London, immediately afforded to the inquiſitive ſome circumſtances of compariſon, which even the natural partiality in favour of their new ſovereign could not interpret to his advantage. As he paſſed along, all ranks of men flocked about him, from every quarter, allured by intereſt or curioſity. Great were the rejoicings, and loud and hearty the acclamations which reſounded from all ſides; and every one could remember how the affability and popular manners of their queen diſplayed themſelves amidſt ſuch concourſe and exultation of her ſubjects. But James, though ſociable and familiar with his friends and courtiers, hated the buſtle of a mixt multitude; and though far from diſliking flattery, yet was he ſtill fonder of tranquillity and eaſe. He iſſued therefore a proclamation, forbidding this reſort of people, on pretence of the ſcarcity of proviſions, and other inconveniencies which, he ſaid, would neceſſarily attend it [a]. First tranſactions of this reign.

He was not, however, inſenſible to the great flow of affection which appeared in his new ſubjects; and being himſelf of an affectionate temper, he ſeems to have been in haſte to make them ſome return of kindneſs and good offices. To this motive, probably, we are to aſcribe that profuſeneſs of titles which was obſerved in the beginning of his reign; when, in ſix weeks time after his entrance into the king-

a Kennet, p. 662.

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dom, he is computed to have beſtowed knighthood on no leſs than 237 perſons. If Elizabeth's frugality of honours, as well as of money, had formerly been repined at, it began now to be valued and eſteemed; and every one was ſenſible that the king, by his laviſh and premature conferring of favours, had failed of obliging the perſons on whom he beſtowed them. Titles of all kinds became ſo common, that they were ſcarcely marks of diſtinction; and being diſtributed, without choice or deliberation, to perſons unknown to the prince, were regarded more as the proofs of facility and good-nature, than of any determined friendſhip or eſteem.

A paſquinade was affixed to St Paul's, in which an art was promiſed to be taught, very neceſſary to aſſiſt frail memories, in retaing the names of the new nobility [b].

We may preſume, that the Engliſh would have thrown leſs blame on the king's facility in beſtowing favours, had theſe been confined entirely to their own nation, and had not been ſhared out, in too unequal proportions, to his old ſubjects. James who, through his whole reign, was more guided by temper and inclination than by the rules of political prudence, had brought with him great numbers of his Scottiſh courtiers, whoſe impatience and importunity were apt, in many particulars, to impoſe on the eaſy nature of their maſter, and extort favours of which, it is natural to imagine, his Engliſh ſubjects would loudly complain. The duke of Lenox, the earl of Marre, Lord Hume, Lord Kinloſs, Sir George Hume, Secretary Elphinſtone [c], were immediately added to the Engliſh privy council. Sir George Hume, whom he created earl of Dunbar, was his declared favourite as long as that nobleman lived, and was

b Wilſon, in Kennet, p. 665. c Ibid, p. 662.

one

one of the wiſeſt and moſt virtuous, though the leaſt powerful, of all thoſe whom the king ever honoured with that diſtinction. Hay, ſome time after, was created Viſcount Doncaſter, then earl of Carliſle, and got an immenſe fortune from the crown; all of which he ſpent in a ſplendid and courtly manner. Ramſay obtained the title of earl of Holderneſs; and many others, being raiſed on a ſudden to the higheſt elevation, encreaſed, by their inſolence, that envy which naturally attended them, as ſtrangers and ancient enemies. CHAP. XLV. 1603.

It muſt, however, be owned, in juſtice to James, that he left almoſt all the chief offices in the hands of Elizabeth's miniſters, and truſted the conduct of political concerns, both foreign and domeſtic, to his Engliſh ſubjects. Among theſe, Secretary Cecil, created ſucceſſively Lord Eſſindon, Viſcount Cranborne, and earl of Saliſbury, was always regarded as his prime miniſter and chief counſellor. Though the capacity and penetration of this miniſter were ſufficiently known, his favour with the king created ſurpriſe on the acceſſion of that monarch. The ſecret correſpondence into which he had entered with James, and which had ſenſibly contributed to the eaſy reception of that prince in England, laid the foundation of Cecil's credit; and while all his former aſſociates, Sir Walter Raleigh, Lord Grey, Lord Cobham, were diſcountenanced on account of their animoſity againſt Eſſex, as well as for other reaſons, this miniſter was continued in employment, and treated with the greateſt confidence and regard.

The capacity of James and his miniſters in negociation was immediately put to trial, on the appearance of ambaſſadors from almoſt all the princes and ſtates of Europe, in order to congratulate him on his acceſſion, and to form with him new treaties and

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alliances. Beſide miniſters from Venice, Denmark, the Palatinate; Henry Frederick of Naſſau, aſſiſted by Barnevelt, the Penſionary of Holland, was ambaſſador from the ſtates of the United Provinces. Aremberg was ſent by Archduke Albert; and Taxis was expected in a little time from Spain. But he who moſt excited the attention of the public, both on account of his own merit and that of his maſter, was the marquis of Roſni, afterwards duke of Sully, prime miniſter and favourite of Henry IV. of France.

State of Europe.

When the dominions of the houſe of Auſtria devolved on Philip II. all Europe was ſtruck with terror, leſt the power of a family, which had been raiſed by fortune, ſhould now be carried to an immeaſurable height, by the wiſdom and conduct of this monarch. But never were apprehenſions found in the event to be more groundleſs. Slow without prudence, ambitious without enterprize, falſe without deceiving any body, and refined without any true judgment; ſuch was the character of Philip, and ſuch the character, which, during his life time and after his death, he impreſſed on the Spaniſh councils. Revolted or depopulated provinces, diſcontented or indolent inhabitants, were the ſpectacles which thoſe dominions, lying in every climate of the globe, preſented to Philip III. a weak prince, and to the duke of Lerma, a miniſter weak and odious. But though military diſcipline, which ſtill remained, was what alone gave ſome appearance of life and vigour to that languiſhing body; yet ſo great was the terror, produced by former power and ambition, that the reduction of the houſe of Auſtria was the object of men's vows throughout all the ſtates of Chriſtendom. It was not perceived, that the French empire, now united in domeſtic peace, and governed by the moſt heroic and moſt amiable prince that adorns modern ſtory, was become

of

of itſelf a ſufficient counterpoiſe to the Spaniſh greatneſs. Perhaps, that prince himſelf did not perceive it, when he propoſed, by his miniſter, a league with James, in conjunction with Venice, the United Provinces, and the northern crowns; in order to attack the Auſtrian dominions on every ſide, and depreſs the exorbitant power of that ambitious family[e]. But the genius of the Engliſh monarch was not equal to ſuch vaſt enterprizes. The love of peace was his ruling paſſion; and it was his peculiar felicity, that the conjunctures of the times rendered the ſame object, which was agreeable to him, in the higheſt degree advantageous to his people.

CHAP. XLV.

1603. Roſni's negociation.

The French ambaſſador, therefore, was obliged to depart from theſe extenſive views, and to concert with James the means of providing for the ſafety of the United Provinces: Nor was this object altogether without its difficulties. The king, before his acceſſion, had entertained ſcruples with regard to the revolt of the Low Countries; and being commonly open and ſincere[f], he had, on many occaſions, gone ſo far as to give to the Dutch the appellation of rebels[g]: But having converſed more fully with Engliſh miniſters and courtiers, he found their attachment to that republic ſo ſtrong, and their opinion of common intereſt ſo eſtabliſhed, that he was obliged to ſacrifice to politics his ſenſe of juſtice; a quality which, even when erroneous, is reſpectable as well as rare in a monarch. He therefore agreed with Roſni to ſupport ſecretly the ſtates-general, in concert with the king of France; leſt their weakneſs and deſpair ſhould oblige them to ſubmit to their old maſter. The articles of the treaty were few and ſimple. It was ſtipulated, That the two kings ſhould allow the Dutch to levy forces in their reſpective do-

e Sully's Memoirs.
f La Boderie, vol. i. p. 120.
g Winwood, vol. ii. p. 55.

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minions; and ſhould underhand remit to that republic the ſum of 1,400,000 livres a-year for the pay of theſe forces: That the whole ſum ſhould be advanced by the king of France; but that the third of it ſhould be deducted from the debt due by him to Queen Elizabeth. And if the Spaniards attacked either of the princes, they agreed to aſſiſt each other; Henry with a force of ten thouſand men, James with that of ſix. This treaty, one of the wiſeſt and moſt equitable concluded by James during the courſe of his reign, was more the work of the prince himſelf than any of his miniſters [h].

Raleigh's conſpiracy.

Amidſt the great tranquillity, both foreign and domeſtic, with which the nation was bleſt, nothing could be more ſurpriſing than the diſcovery of a conſpiracy to ſubvert the government, and to fix on the throne Arabella Stuart, a near relation of the king's by the family of Lenox, and deſcended equally from Henry VII. Every thing remains ſtill myſterious in this conſpiracy; and hiſtory can give us no clue to unravel it. Watſon and Clarke, two Catholic prieſts, were accuſed of the plot: Lord Grey, a puritan: Lord Cobham, a thoughtleſs man, of no fixt principle: And Sir Walter Raleigh, ſuſpected to be of that philoſophical ſect who were then extremely rare in England, and who have ſince received the appellation of *free-thinkers*. Together with theſe, Mr Broke, brother to Lord Cobham, Sir Griffin Markham, Mr Copeley, Sir Edward Parham. What cement could unite men of ſuch diſcordant principles in ſo dangerous a combination; what end they propoſed, or what means proportioned to an undertaking of this nature, has never yet been explained, and cannot eaſily be imagined. As Raleigh, Grey, and Cobham were commonly believed, after the queen's death, to have oppoſed proclaiming the king, till conditions ſhould

h Sully's Memoirs.

be

be made with him; they were upon that account extremely obnoxious to the court and miniſtry; and the people were apt, at firſt, to ſuſpect, that the plot was merely a contrivance of Secretary Cecil, to get rid of his old confederates, now become his moſt inveterate enemies. But the confeſſion, as well as trial of the criminals, put the matter beyond doubt[i]. And though no one could find any marks of a concerted enterprize, it appeared, that men of furious and ambitious ſpirits, meeting frequently together, and believing all the world diſcontented like themſelves, had entertained very criminal projects, and had even entered, ſome of them at leaſt, into a correſpondence with Aremberg, the Flemiſh ambaſſador, in order to give diſturbance to the new ſettlement.

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The two prieſts[k] and Broke[l] were executed: Cobham, Grey, and Markham, were pardoned[m], after they had laid their heads upon the block[n]. Raleigh too was reprived, not pardoned; and he remained in confinement many years afterwards.

It appears from Sully's Memoirs, that Raleigh ſecretly offered his ſervices to the French ambaſſador; and we may thence preſume, that, meeting with a repulſe from that quarter, he had recourſe, for the ſame unwarrantable purpoſes, to the Flemiſh miniſter. Such a conjecture we are now enabled to form; but it muſt be confeſſed, that, on his trial, there appeared no proof of this tranſaction, nor indeed any circumſtance which could juſtify his condemnation. He was accuſed by Cobham alone, in a ſudden fit of paſſion, upon hearing that Raleigh, when examined, had pointed out ſome circumſtances by which Cobham's guilt might be known and aſcertained.

i State Trials, p. 180. 2d edit. Winwood, vol. ii. p. 8. 11.
k November 29.
l December 5.
m December 9.
n Winwood, vol. ii. p. 11.

This

CHAP. XLV.

1603. This accuſation Cobham afterwards retracted; and ſoon after, he retracted his retractation. Yet upon the written evidence of this ſingle witneſs, a man of no honour or underſtanding, and ſo contradictory in his teſtimony; not confronted with Raleigh; not ſupported by any concurring circumſtance; was that great man, contrary to all law and equity, found guilty by the jury. His name was at that time extremely odious in England; and every man was pleaſed to give ſentence againſt the capital enemy of Eſſex, the favourite of the people.

Sir Edward Coke, the famous lawyer, then attorney-general, managed the cauſe for the crown, and threw out on Raleigh ſuch groſs abuſe, as may be deemed a great reflection, not only on his own memory, but even, in ſome degree, on the manners of the age. Traitor, monſter, viper, and ſpider of hell, are the terms which he employs againſt one of the moſt illuſtrious men of the kingdom, who was under trial for life and fortune, and who defended himſelf with temper, eloquence, and courage[a].

1604. The next occupation of the king was entirely according to his heart's content. He was employed, in dictating magiſterially to an aſſembly of divines concerning points of faith and diſcipline, and in receiving the applauſes of theſe holy men for his ſuperior zeal and learning. The religious diſputes between the church and the puritans had induced him to call a conference at Hampton-court, on pretence of finding expedients which might reconcile both parties.

Though the ſeverities of Elizabeth towards the Catholics had much weakened that party, whoſe genius was oppoſite to the prevailing ſpirit of the nation; like

[a] State Trials, 1ſt edit. p. 176, 177. 182.

ſeverities

severities had had so little influence on the puritans, who were encouraged by that spirit, that no less than seven hundred and fifty clergymen of that party signed a petition to the king on his accession; and many more seemed willing to adhere to it [p]. They all hoped that James, having received his education in Scotland, and having sometimes professed an attachment to the church established there, would at least abate the rigour of the laws enacted in support of the ceremonies, and against puritans; if he did not show more particular grace and encouragement to that sect. But the king's disposition had taken strongly a contrary bias. The more he knew the puritanical clergy, the less favour he bore to them. He had remarked in their Scottish brethren a violent turn towards republicanism, and a zealous attachment to civil liberty; principles nearly allied to that religious enthusiasm with which they were actuated. He had found, that being mostly persons of low birth, and mean education, the same lofty pretensions which attended them in their familiar addresses to their Maker, of whom they believed themselves the peculiar favourites, induced them to use the utmost freedoms with their earthly sovereign. In both capacities, of monarch and of theologian, he had experienced the little complaisance which they were disposed to show him; whilst they controuled his commands, disputed his tenets, and, to his face, before the whole people, censured his conduct and behaviour. If he had submitted to the dignity of courting their favour, he treasured up, on that account, the stronger resentment against them, and was determined to make them feel, in their turn, the weight of his authority. Though he had often met with resistance and faction and obstinacy in the Scottish nobility, he retained no ill-will to that order; or rather showed them favour and kindness in England, beyond what reason and

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[p] Fuller, book 10. Collier, vol. ii. p. 672.

found

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found policy could well justify: But the ascendant, which the Presbyterian clergy had assumed over him, was what his monarchial pride could never thoroughly digest [q].

He dreaded likewise the popularity which attended this order of men in both kingdoms. As useless austerities and self-denial are imagined, in many religions, to render us acceptable to a benevolent Being who created us solely for happiness, James remarked, that the rustic severity of these clergymen, and of their whole sect, had given them in the eyes of the multitude, the appearance of sanctity and virtue. Strongly inclined himself to mirth and wine and sports of all kinds, he apprehended their censure for his manner of life, free and disengaged. And, being thus averse, from temper, as well as policy, to the sect of puritians, he was resolved, if possible, to prevent its farther growth in England.

But it was the character of James's councils, throughout his whole reign, that they were more wise and equitable in their end, than prudent and political in the means. Though justly sensible, that no part of civil administration required greater care or a nicer judgment than the conduct of religious parties; he had not perceived, that, in the same proportion as this practical knowledge of theology is requisite, the speculative refinements in it are mean and even dangerous in a monarch. By entering zealously into frivolous disputes, James gave them an air of importance and dignity, which they could not otherwise have acquired; and being himself enlisted in the quarrel, he could no longer have recourse

q James ventured to say in his Basilicon Doron, published while he was in Scotland, "I protest before the great God, and since I am here as upon my Testament, it is no place for me to lie in, that ye shall never find with any Highland or Borderer Thieves, greater ingratitude and more lies and vile perjuries, than with these fanatic spirits: And suffer not the principal of them to brook your land." *K. James's Works*, p. 161.

to

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to contempt and ridicule, the only proper method of appeasing it. The church of England had not yet abandoned the rigid doctrines of grace and predestination: The puritians had not yet separated themselves from the church, nor openly renounced Episcopacy. Though the spirit of the parties was considerably different, the only appearing subjects of dispute were concerning the cross in baptism, the ring in marriage, the use of the surplice, and the bowing at the name of Jesus. These were the mighty questions, which were solemnly agitated in the conference at Hampton-court between some bishops and dignified clergymen on the one hand, and some leaders of the puritanical party on the other; the king and his ministers being present[r]. Conference at Hampton-court.

The puritians were here so unreasonable as to complain of a partial and unfair management of the dispute; as if the search after truth were in any degree the object of such conferences, and a candid indifference, so rare even among private enquirers in *philosophical* questions, could ever be expected among princes and prelates, in a *theological* controversy. The king, it must be confessed, from the beginning of the conference, showed the strongest propensity to the established church, and frequently inculcated a maxim, which, though it has some foundation, is to be received with great limitations, No Bishop, No King. The bishops, in their turn, were very liberal of their praises towards the royal disputant; and the archbishop of Canterbury said, that *undoubtedly his majesty spake by the special assistance of God's spirit*[s]. A few alterations in the liturgy were agreed to, and both parties separated with mutual dissatisfaction. 4th Jan.

It had frequently been the practice of the puritians to form certain assemblies, which they called *prophe-*

r Fuller's Eccleſiaſt. Hiſtory. s Kennet, p. 665.

ſyings;

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ſyings where alternately, as moved by the ſpirit, they diſplayed their zeal in prayers and exhortations, and raiſed their own enthuſiaſm, as well as that of their audience, to the higheſt pitch, from that ſocial contagion, which has ſo mighty an influence on holy fervours, and from the mutual emulation which aroſe in thoſe trials of religious eloquence. Such dangerous ſocieties had been ſuppreſſed by Elizabeth; and the miniſters in this conference moved the king for their revival. But James ſharply replied, *If you aim at a* Scottiſh *preſbytery it agrees as well with monarchy as God and the devil. There* Jack *and* Tom *and* Will *and* Dick *ſhall meet and cenſure me and my council. Therefore I reiterate my former ſpeech:* Le Roi's aviſera. *Stay I pray for one ſeven years before you demand; and then, if you find me grow purſie and fat, I may perchance harken unto you. For that government will keep me in breath, and give me work enough* [t]. Such were the political conſiderations which determined the king in his choice among religious parties.

A parliament.

The next aſſembly, in which James diſplayed his learning and eloquence, was one that ſhowed more ſpirit of liberty than appeared among his biſhops and theologians. The parliament was now ready to aſſemble; being ſo long delayed on account of the plague, which had broken out in London, and raged to ſuch a degree, that above 30,000 perſons are computed to have died of it in a year; though the city contained at that time little more than 150,000 inhabitants.

19th Mar.

The ſpeech which the king made on opening the parliament, fully diſplays his character, and proves him to have poſſeſſed more knowledge and better parts, than prudence or any juſt ſenſe of decorum and propriety [u]. Though few productions of the age

t Fuller's Eccleſiaſt. Hiſtory.

u K. James's Works, p. 484, 485, &c. Journ. 22d March, 1603. Kennet, p. 668.

ſurpaſs

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surpass this performance either in style or matter; it wants that majestic brevity and reserve, which becomes a king in his addresses to the great council of the nation. It contains, however, a remarkable stroke of candour, where he confesses his too great facility in yielding to the solicitations of suitors[x]: A fault, which he promises to correct, but which adhered to him, and distressed him, during the whole course of his reign.

The first business, in which the commons were engaged, was of the utmost importance to the preservation of their privileges; and neither temper nor resolution were wanting in their conduct of it.

In the former periods of the English government, the house of commons was of so small weight in the balance of the constitution, that little attention had been given, either by the crown, the people, or the house itself, to the choice and continuance of the members. It had been usual, after parliaments were prolonged beyond one session, for the chancellor to exert a discretionary authority of issuing new writs to supply the place of any members, whom he judged incapable of attending, either on account of their employment, their sickness, or other impediment. This practice gave that minister, and consequently the prince, an unlimited power of modeling at pleasure the representatives of the nation; yet so little jealousy had it created, that the commons, of themselves, without any court influence or intrigue, and contrary to some former votes of their own, confirmed it in the twenty-third of Elizabeth[y]. At that time, though some members, whose places had been supplied on account of sickness, having now recovered their health, appeared in the house, and claimed their seat; such was the authority of the chancellor, that, merely out of respect to him, his

x K. James's Works, p. 495, 496. y Journ. Jan. 19. 1580.

sentence

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ſentence was adhered to, and the new members were continued in their places. Here a moſt dangerous prerogative was conferred on the crown: But to ſhow the genius of that age, or rather the channels in which power then ran, the crown put very little value on this authority; inſomuch that two days afterwards, the chancellor, of himſelf, reſigned it back to the commons, and gave them power to judge of a particular vacancy in their houſe. And when the queſtion concerning the chancellor's new writs was again brought on the carpet towards the end of the ſeſſion, the commons were ſo little alarmed at the precedent, that, though they re-admitted ſome old members, whoſe ſeats had been vacated, on account of ſlight indiſpoſitions, yet they confirmed the chancellor's ſentence, in inſtances where the diſtemper appeared to have been dangerous and incurable[z]. Nor did they proceed any farther in vindication of their privileges, than to vote, *that, during the ſitting of parliament, there do not, at any time, any writ go out for chuſing or returning any member without the warrant of the houſe.* In Elizabeth's reign we may remark, and the reigns preceding, ſeſſions of parliament were not uſually the twelfth part ſo long as the vacations; and during the latter, the chancellor's power, if he pleaſed to exert it, was confirmed, at leaſt left, by this vote, as unlimited and unreſtrained as ever.

In a ſubſequent parliament, the abſolute authority of the queen was exerted in a manner ſtill more open; and began for the firſt time to give alarm to the commons. New writs having been iſſued by the chancellor, when there was no vacancy, and a controverſy ariſing upon that incident; the queen ſent a meſſage to the houſe, informing them, that it were impertinent for them to deal in ſuch matters. Theſe

z Journ. March 18 1580. See farther D'Ewes, p. 430.

queſtions,

queſtions, ſhe ſaid, belonged only to the chancellor; and ſhe had appointed him to confer with the judges, in order to ſettle all diſputes with regard to elections. The commons had the courage, a few days after, to vote, "That it was a moſt perilous precedent, where "two knights of a county were duly elected, if any "new writ ſhould iſſue out for a ſecond election, "without order of the houſe itſelf; that the diſ-"cuſſing and adjuſting of this and ſuch like differ-"ences belonged only to the houſe; and that there "ſhould be no meſſage ſent to the lord chancellor, "not ſo much as to enquire what he had done in the "matter, becauſe it was conceived to be a matter de-"rogatory to the power and privilege of the houſe [a]." This is the moſt conſiderable, and almoſt only inſtance, of parliamentary liberty, which occurs during the reign of that princeſs.

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Outlaws, whether on account of debts or crimes, had been declared by the judges [b] incapable of enjoying a ſeat in the houſe, where they muſt themſelves be lawgivers; but this opinion of the judges had been frequently over-ruled. I find, however, in the caſe of Vaughan [c], who was queſtioned for an outlawry, that, having proved all his debts to have been contracted by ſuretiſhip, and to have been, moſt of them, honeſtly compounded, he was allowed, on account of theſe favourable circumſtances, to keep his ſeat: which plainly ſuppoſes, that, otherwiſe, it would have been vacated, on account of the outlawry [d].

a D'Ewes, p. 397.
b 39. H. 6.
c. Journ. Feb. 8. 1580.
d In a ſubſequent parliament, that of the 35th of the queen, the commons, after a great debate, expreſsly voted, that a perſon outlawed might be elected. D'Ewes, p. 518. But as the matter had been much conteſted, the king might think the vote of the houſe no law, and might eſteem his own deciſion of more weight than their's. We may alſo ſuppoſe that he was not acquainted with this vote. Queen Elizabeth, in her ſpeech to her laſt parliament, complained of their admitting outlaws, and repreſents that conduct of the houſe as a great abuſe.

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When James ſummoned this parliament, he iſſued a proclamation[e]; in which, among many other advices, which, like a kind tutor, he beſtowed on his people, he ſtrictly enjoins them not to chuſe any outlaw for their repreſentative. And he adds, *If any perſon take upon him the place of knight, citizen, or burgeſs, not being duly elected, according to the laws and ſtatutes in that behalf provided, and according to the purport, effect, and true meaning of this our proclamation, then every perſon ſo offending to be fined or impriſoned for the ſame.* A proclamation here was plainly put on the ſame footing with a law, and that in ſo delicate a point as the right of elections: Moſt alarming circumſtances, had their not been reaſon to believe, that this meaſure, being entered into ſo early in the king's reign, proceeded more from precipitation and miſtake, than from any ſerious deſign of invading the privileges of parliament[f].

Sir Francis Goodwin was choſen member for the county of Bucks; and his return, as uſual, was made into chancery. The chancellor, pronouncing him an outlaw, vacated his ſeat, and iſſued writs for a new election[g]. Sir John Forteſcue was choſen in his place by the county: But the firſt act of the houſe was to reverſe the chancellor's ſentence, and reſtore Sir Francis to his ſeat. At the king's ſuggeſtion,

e Jan. 11. 1604. Rymer, tom. xvi. p. 561.

f The Duke of Sully tells us, that it was a maxim of James, that no prince, in the firſt year of his reign, ſhould begin any conſiderable undertaking: A maxim reaſonable in itſelf, and very ſuitable to his cautious, not to ſay timid, character. The facility with which he departed from this pretenſion, is another proof that his meaning was innocent. But had the privileges of parliament been at that time exactly aſcertained, or royal power fully limited, could ſuch an imagination ever have been entertained by him, as to think that his proclamations could regulate parliamentary elections?

g Winwood, vol. iii. p. 18, 19.

the

the lords desired a conference on the subject; but were absolutely refused by the commons, as the question entirely regarded their own privileges [h]. The commons, however, agreed to make a remonstrance to the king by the mouth of their speaker; in which they maintained, that though the returns were by form made in chancery, yet the sole right of judging with regard to elections belonged to the house itself, not to the chancellor [i]. James was not satisfied, and ordered a conference between the house and the judges, whose opinion in this case was opposite to that of the commons. This conference, he said, he commanded as an *absolute* king [k]; an epithet, we are apt to imagine, not very grateful to English ears, but one to whom they had already been somewhat accustomed from the mouth of Elizabeth [l]. He added, *That all their privileges were derived from his grant, and hoped they would not turn them against him* [m]; a sentiment which, from her conduct, it is certain, that princes had also entertained, and which was the reigning principle of her courtiers and ministers, and the spring of all her administration.

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The commons were in some perplexity. Their eyes were now opened, and they saw the consequences of that power which had been assumed by the chancellor, and to which their predecessors had, in some instances, blindly submitted. *By this course*, said a member, *the free election of the counties is taken away, and none shall be chosen but such as shall please the king and council. Let us, therefore, with fortitude, understanding, and sincerity, seek to maintain our privilege. This cannot be construed any contempt in us, but merely a maintenance of our common rights, which our ancestors have left us, and which it is just and fit*

h Journ. 26th March, 1604.
i Journ. 3d April, 1604.
k See note [A] at the end of the volume.
l Camden, in Kennet, p. 375.
m Journ. 29th March, 5th April, 1604.

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for us to tranſmit to our poſterity [n]. Another ſaid [o], *This may be called a* quo warranto *to ſeize all our liberties. A chancellor*, added a third, *by this courſe, may call a parliament conſiſting of what perſons he pleaſes. Any ſuggeſtion, by any perſon, may be the cauſe of ſending a new writ. Is it come to this plain queſtion, Whether the chancery or parliament ought to have authority* [p]*?*

Notwithſtanding this watchful ſpirit of liberty, which now appeared in the commons, their deference for majeſty was ſo great, that they appointed a committee to confer with the judges before the king and council. There the queſtion of law began to appear in James's eyes, a little more doubtful than he had hitherto imagined it; and in order to extricate himſelf with ſome honour, he propoſed that both Goodwin and Forteſcue ſhould be ſet aſide, and a writ be iſſued, by warrant of the houſe, for a new election. Goodwin gave his conſent, and the commons embraced the expedient; but in ſuch a manner, that, while they ſhowed their regard for the king, they ſecured for the future the free poſſeſſion of their ſeats, and the right which they claimed of judging ſolely in their own elections and returns [q].

A power like this, ſo eſſential to the exerciſe of all their other powers, themſelves ſo eſſential to public liberty, cannot fairly be deemed an encroachment in the commons; but muſt be regarded as an inherent privilege, happily reſcued from that ambiguity which the negligence of ſome former parliaments had thrown upon it.

At the ſame time the commons, in the caſe of Sir Thomas Shirley, eſtabliſhed their power of puniſhing, as well the perſons at whoſe ſuit any member is arreſted, as the officers who either arreſt or detain him. Their aſſerting of this privilege admits of the ſame reflection [r].

n Journ. 30th March, 1604.
o Id. ibid.
p Id. ibid.
q See note [B] at the end of the volume.
r Journ. 6th and 7th May, 1604.

About

About this period, the minds of men throughout Europe, eſpecially in England, ſeem to have undergone a general, but inſenſible revolution. Though letters had been revived in the preceding age, they were chiefly cultivated by thoſe ſedentary profeſſions; nor had they, till now, begun to ſpread themſelves, in any degree, among men of the world. Arts, both mechanical and liberal, were every day receiving great improvements. Navigation had extended itſelf over the whole globe. Travelling was ſecure and agreeable. And the general ſyſtem of politics in Europe was become more enlarged and comprehenſive. CHAP. XLV. 1604.

In conſequence of this univerſal fermentation, the ideas of men enlarged themſelves on all ſides; and the ſeveral conſtituent parts of the Gothic governments, which ſeem to have lain inactive, began, every where to operate and encroach on each other. On the continent, where the neceſſity of diſcipline had begotten ſtanding armies, the princes commonly eſtabliſhed unlimited authority, and overpowered, by force or intrigue, the liberties of the people. In England, the love of freedom, which, unleſs checked, flouriſhes extremely in all liberal natures, acquired new force, and was regulated by more enlarged views, ſuitably to that cultivated underſtanding which became every day more common among men of birth and education. A familiar acquaintance with the precious remains of antiquity excited in every generous breaſt a paſſion for a limited conſtitution, and begat an emulation of thoſe manly virtues which the Greek and Roman authors, by ſuch animating examples, as well as pathetic expreſſions, recommend to us. The ſevere, though popular government of Elizabeth, had confined this riſing ſpirit within very narrow bounds: But when a new and a foreign family ſucceeded to the throne, and a prince leſs dreaded and leſs beloved, ſymptoms immediately appear-

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ed of a more free and independent genius in the nation.

1604. Happily this prince poſſeſſed neither ſufficient capacity to perceive the alteration, nor ſufficient art and vigour to check it in its early advances. Jealous of regal, becauſe conſcious of little perſonal authority, he had eſtabliſhed within his own mind a ſpeculative ſyſtem of abſolute government, which few of his ſubjects, he believed, and none but traitors and rebels, would make any ſcruple to admit. On which ever ſide he caſt his eye, every thing concurred to encourage his prejudices. When he compared himſelf with the other hereditary ſovereigns of Europe, he imagined, that as he bore the ſame rank, he was entitled to equal prerogatives; not conſidering the innovations lately introduced by them, and the military force by which their authority was ſupported. In England, that power, almoſt unlimited, which had been exerciſed for above a century, eſpecially during the late reign, he aſcribed ſolely to royal birth and title, not to the prudence and ſpirit of the monarchs, nor to the conjunctures of the times. Even the oppoſition which he had ſtruggled with in Scotland encouraged him ſtill farther in his favourite notions; while he there ſaw, that the ſame reſiſtance which oppoſed regal authority, violated all law and order, and made way either for the ravages of a barbarous nobility, or for the more intolerable inſolence of ſeditious preachers. In his own perſon, therefore, he thought all legal power to be centered, by an hereditary and a divine right: And this opinion might have proved dangerous, if not fatal, to liberty, had not the firmneſs of the perſuaſion, and its ſeeming evidence, induced him to truſt ſolely to his right, without making the ſmalleſt proviſion, either of force or politics, in order to ſupport it.

Such

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Such were the oppoſite diſpoſitions of parliament and prince, at the commencement of the Scottiſh line; diſpoſitions juſt beginning to exiſt and to appear in the parliament [s], but thoroughly eſtabliſhed and openly avowed on the part of the prince.

The ſpirit and judgment of the houſe of commons appeared, not only in defence of their own privileges, but alſo in their endeavour, though at this time in vain, to free trade from thoſe ſhackles which the high exerted prerogative, and even, in this reſpect, the ill-judged tyranny of Elizabeth, had impoſed upon it.

James had already, of his own accord, called in and annulled all the numerous patents for monopolies which had been granted by his predeceſſor, and which extremely fettered every ſpecies of domeſtic induſtry: But the excluſive companies ſtill remained; another ſpecies of monopoly, by which almoſt all foreign trade, except that to France, was brought into the hands of a few rapacious engroſſers, and all proſpect of future improvement in commerce was for ever ſacrificed to a little temporary advantage of the ſovereign. Theſe companies, though arbitrarily erected, had carried their privileges ſo far, that almoſt all the commerce of England was centered in London; and it appears, that the cuſtoms of that port amounted to 110,000 l. a year, while thoſe of all the kingdom beſide yielded only ſeventeen thouſand [t]. Nay, the whole trade of London was confined to about 200 citizens [u], who were eaſily enabled, by combining among themſelves, to fix whatever price they pleaſed both to the exports and imports of the nation. The committee appointed to examine this enormous grievance, one of the greateſt which we read of in Engliſh ſtory, inſiſt on it as a fact well known and avowed, however contrary to preſent re-

s See note [C] at the end of the volume.

t Journ. 21ſt May 1604.

u Id. ibid.

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ceived opinion, that ſhipping and ſeamen had ſenſibly decayed during all the preceding reign [w]. And though nothing be more common than complaints of the decay of trade, even during the moſt flouriſhing periods; yet is this a conſequence which might naturally reſult from ſuch arbitrary eſtabliſhments, at a time when the commerce of all the other nations of Europe, except that of Scotland, enjoyed full liberty and indulgence.

While the commons were thus attempting to give liberty to the trading part of the nation, they alſo endeavoured to free the landed property from the burthen of wardſhips [x], and to remove thoſe remains of the feudal tenures under which the nation ſtill laboured. A juſt regard was ſhown to the crown on the conduct of this affair; nor was the remedy ſought for conſidered as a matter of right, but merely of grace and favour. The profit which the king reaped, both from wards and from reſpite of homage, was eſtimated; and it was intended to compound for theſe prerogatives by a ſecure and independent revenue. But after ſome debates in the houſe, and ſome conferences with the lords, the affair was found to contain more difficulties than could eaſily, at that time, be ſurmounted; and it was not then brought to any concluſion.

The ſame fate attended an attempt of a like nature, to free the nation from the burthen of purveyance. This prerogative had been much abuſed by the purveyors [y]; and the commons ſhewed ſome intention to offer the king fifty thouſand pounds a-year for the abolition of it.

Another affair of the utmoſt conſequence was brought before the parliament, where the commons

w A remonſtrance from the Trinity-houſe in 1602, ſays, that in a little above twelve years after 1588, the ſhipping and number of ſeamen in England decayed about a third. Angleſey's happy future ſtate of England, p. 128, from Sir Julius Cæſar's Collections. See Journ. 21ſt May 1604.

x Journ. 1ſt June 1604.

y Journ. 30th April 1604.

ſhewed

shewed a greater spirit of independence than any true judgment of national interest. The union of the two kingdoms was zealously, and even impatiently urged by the king [z]. He justly regarded it as the peculiar felicity of his reign, that he had terminated the bloody animosities of these hostile nations, and had reduced the whole island under one government; enjoying tranquillity within itself, and security from all foreign invasions. He hoped, that, while his subjects of both kingdoms reflected on past disasters, besides regarding his person as infinitely precious, they would entertain the strongest desire of securing themselves against the return of like calamities, by a thorough union of laws, parliaments, and privileges. He considered not, that this very reflection operated, as yet, in a contrary manner on men's prejudices, and kept alive that mutual hatred between the nations, which had been carried to the greatest extremities, and required time to allay it. The more urgent the king appeared in promoting so useful a measure, the more backward was the English parliament in concurring with him; while they ascribed his excessive zeal, to that partiality in favour of his ancient subjects, of which they thought that, on other occasions, they had reason to complain. Their complaisance for the king, therefore, carried them no farther than to appoint forty-four English to meet with thirty-one Scottish commissioners, in order to deliberate concerning the terms of a union; but without any power of making advances towards the establishment of it [a].

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The same spirit of independence, and perhaps not better judgment, appeared in the house of commons, when the question of supply was brought before them, by some members attached to the court. In vain was it urged, that, though the king received a

z Journ. 21st April. 1st May 1604, Parliamentary Hist. vol. v. p. 91.

a Journ. 7th June 1604. Kennet, p. 673.

supply,

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ſupply, which had been voted to Elizabeth, and which had not been collected before her death; yet he found it burthened with a debt contracted by the queen, equal to the full amount of it: That peace was not yet thoroughly concluded with Spain, and that Ireland was ſtill expenſive to him: That on his journey from Scotland amidſt ſuch a concourſe of people, and on that of the queen and royal family, he had expended conſiderable ſums; and that, as the courtiers had looked for greater liberalities from the prince on his acceſſion, and had impoſed on his generous nature; ſo the prince, in his turn, would expect, at the beginning, ſome mark of duty and attachment from his people, and ſome conſideration of his neceſſities. No impreſſion was made on the houſe of commons by theſe topics; and the majority appeared fully determined to refuſe all ſupply. The burthen of government at that time lay ſurpriſingly light upon the people; and that very reaſon, which to us, at this diſtance, may ſeem a motive of generoſity, was the real cauſe why the parliament was, on all occaſions, ſo remarkably frugal and reſerved. They were not, as yet, accuſtomed to open their purſes in ſo liberal a manner as their ſucceſſors, in order to ſupply the wants of their ſovereign; and the ſmalleſt demand, however requiſite, appeared in their eyes unreaſonable and exorbitant. The commons ſeem alſo to have been deſirous of reducing the crown to ſtill farther neceſſities, by their refuſing a bill ſent down to them by the lords, for entailing the crown lands for ever on the king's heirs and ſucceſſors [b]. The diſſipation made by Elizabeth, had probably taught James the neceſſity of this law, and ſhewn them the advantage of refuſing it.

In order to cover a diſappointment with regard to ſupply, which might bear a bad conſtruction, both at home

b Parliamentary Hiſt. vol. v. p. 108.

and

and abroad, James sent a message to the house[c], in which he told them, that he desired no supply; and he was very forward in refusing what was never offered him. Soon after, he prorogued the parliament, not without discovering, in his speech, visible marks of dissatisfaction. Even so early in his reign, he saw reason to make public complaints of the restless and encroaching spirit of the puritanical party, and of the malevolence with which they endeavoured to inspire the commons. Nor were his complaints without foundation, or the puritans without interest; since the commons, now finding themselves free from the arbitrary government of Elizabeth, made application for a conference with the lords, and presented a petition to the king; the purport of both which was to procure, in favour of the puritans, a relaxation of the ecclesiastical laws[d]. The use of the surplice, and of the cross in baptism, is there chiefly complained of; but the remedy seems to have been expected solely from the king's dispensing power[e]. In the papers which contain this application and petition, we may also see proofs of the violent animosity of the commons against the Catholics, together with the intolerating spirit of that assembly[f]. CHAP. XLV. 1604. 7th July.

This summer the peace with Spain was finally concluded, and was signed by the Spanish ministers at London[g]. In the conferences, previous to this treaty, the nations were found to have so few claims on each other, that, except on account of the support given by England to the Low Country provinces, the war might appear to have been continued more on account of personal animosity between Philip and Elizabeth, than any contrariety of political interests between their subjects. Some articles in the treaty, which seemed prejudicial to the Dutch commonwealth, were Peace with Spain, 18th Aug.

c Journ. 26th June, 1604.

d La Boderie, the French ambassador, says, that the house of commons was composed mostly of puritans, vol. i. p. 81.

e Parliamentary History, vol. v. p. 98, 99, 100.

f See note [D] at the end of the volume.

g Rymer, tom. xvi. p. 585, &c.

never

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never executed by the king; and as the Spaniards made no complaints on that head, it appeared that, by ſecret agreement, the king had expreſsly reſerved the power of ſending aſſiſtance to the Hollanders [h]. The conſtable of Caſtile came into England to ratify the peace; and, on the part of England, the earl of Hertford was ſent into the Low Countries for the ſame purpoſe, and the earl of Nottingham, high admiral, into Spain. The train of the latter was numerous and ſplendid; and the Spaniards, it is ſaid, were extremely ſurprized, when they beheld the blooming countenances and graceful appearance of the Engliſh, whom their bigotry, inflamed by the prieſts, had repreſented as ſo many monſters and infernal dæmons.

Though England, by means of her naval force, was perfectly ſecure, during the latter years of the Spaniſh war, James ſhewed an impatience to put an end to hoſtilities; and ſoon after his acceſſion, before any terms of peace were concerted, or even propoſed, by Spain, he recalled all the letters of marque [i] which had been granted by Queen Elizabeth. Archduke Albert had made ſome advances of a like nature [k], which invited the king to take this friendly ſtep. But what is remarkable; in James's proclamation for that purpoſe, he plainly ſuppoſes, that, as he had himſelf, while king of Scotland, always lived in amity with Spain, peace was attached to his perſon, and that merely by his acceſſion to the crown of England, without any articles of treaty or agreement, he had ended the war between the kingdoms [l]. This ignorance of the law of nations may

h Winwood, vol. ii. p. 27. 330, *et alibi*. In this reſpect James's peace was more honourable than that which Henry IV. himſelf made with Spain. This latter prince ſtipulated not to aſſiſt the Dutch; and the ſupplies, which he ſecretly ſent them, were in direct contravention to the treaty.

i 23d June 1603.

k Grotii Annal. lib. 12.

l See proclamations during the firſt ſeven years of King James. Winwood, vol. ii. p. 65.

appear

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appear ſurpriſing in a prince who was thirty-ſix years of age, and who had reigned from his infancy; did we not conſider, that a king of Scotland, who lives in cloſe friendſhip with England, has few tranſactions to manage with foreign princes, and has little opportunity of acquiring experience. Unhappily for James, his timidity, his prejudices, his indolence, his love of amuſement, particularly of hunting, to which he was much addicted, ever prevented him from making any progreſs in the knowledge or practice of foreign politics, and in a little time diminiſhed that regard which all the neighbouring nations had paid to England during the reign of his predeceſſor [m].

m Memoires de la Boderie, vol. i. p. 64. 181. 195. 217. 302. vol. ii. p. 244. 278.

CHAP.

CHAP. XLVI.

Gunpowder conſpiracy——A parliament——Truce betwixt Spain and the United Provinces——A parliament——Death of the French King——Arminianiſm——State of Ireland.

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WE are now to relate an event, one of the moſt memorable that hiſtory has conveyed to poſterity, and containing at once a ſingular proof both of the ſtrength and weakneſs of the human mind; its wideſt departure from morals, and moſt ſteady attachment to religious prejudices. 'Tis the *Gunpowder treaſon* of which I ſpeak; a fact as certain as it appears incredible.

Gunpowder conſpiracy.

The Roman Catholics had expected great favour and indulgence on the acceſſion of James, both as he was deſcended from Mary, whoſe life they believed to have been ſacrificed to their cauſe, and as he himſelf, in his early youth, was imagined to have ſhown ſome partiality towards them; which nothing, they thought, but intereſt and neceſſity had ſince reſtrained. It is pretended, that he had even entered into poſitive engagements to tolerate their religion, as ſoon as he ſhould mount the throne of England; whether their credulity had interpreted in this ſenſe ſome obliging expreſſions of the king's, or that he had employed ſuch an artifice, in order to render them favourable to his title[n]. Very ſoon they diſcovered their miſtake; and were at once ſurpriſed and enraged to find James, on all occaſions, expreſs his intention of ſtrictly executing the laws enacted againſt them, and of perſevering in all the rigorous meaſures of Elizabeth. Cateſby, a gentleman of good parts, and of an ancient family, firſt thought

n State Trials, vol. ii. p. 201, 202, 203. Winwood, vol. ii. p. 49.

of

of a moſt extraordinary method of revenge; and he opened his intention to Piercy, a deſcendent of the illuſtrious houſe of Northumberland. In one of their converſations with regard to the diſtreſſed condition of the Catholics, Piercy having broken into a ſally of paſſion, and mentioned aſſaſſinating the king; Cateſby took the opportunity of revealing to him a nobler and more extenſive plan of treaſon, which not only included a ſure execution of vengeance, but afforded ſome hopes of reſtoring the Catholic religion in England. In vain, ſaid he, would you put an end to the king's life: He has children, who would ſucceed both to his crown, and to his maxims of government. In vain would you extinguiſh the whole royal family: The nobility, the gentry, the parliament, are all infected with the ſame hereſy, and could raiſe to the throne another prince and another family, who, beſides their hatred to our religion, would be animated with revenge for the tragical death of their predeceſſors. To ſerve any good purpoſe, we muſt deſtroy, at one blow, the king, the royal family, the lords, the commons; and bury all our enemies in one common ruin. Happily, they are all aſſembled on the firſt meeting of the parliament; and afford us the opportunity of glorious and uſeful vengeance. Great preparations will not be requiſite. A few of us, combining, may run a mine below the hall, in which they meet; and chuſing the very moment when the king harangues both houſes, conſign over to deſtruction theſe determined foes to all piety and religion. Meanwhile, we ourſelves ſtanding aloof, ſafe, and unſuſpected, ſhall triumph in being the inſtruments of divine wrath, and ſhall behold with pleaſure thoſe ſacrilegious walls, in which were paſſed the edicts for proſcribing our church, and butchering our children, toſt into a thouſand fragments; while their impious inhabitants, meditating, perhaps, ſtill new perſecutions againſt

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gainſt us, paſs from flames above to flames below, there for ever to endure the torments due to their offences[o].

Piercy was charmed with this project of Cateſby; and they agreed to communicate the matter to a few more, and among the reſt to Thomas Winter, whom they ſent over to Flanders, in queſt of Fawkes, an officer in the Spaniſh ſervice, with whoſe zeal and courage they were all thorougly acquainted. When they inliſted any new conſpirator, in order to bind him to ſecrecy, they always, together with an oath, employed the Communion, the moſt ſacred rite of their religion[p]. And it is remarkable, that no one of theſe pious devotees ever entertained the leaſt compunction with regard to the cruel maſſacre which they projected of whatever was great and eminent in the nation. Some of them only were ſtartled by the reflection, that of neceſſity many Catholics muſt be preſent, as ſpectators or attendants on the king, or as having ſeats in the houſe of Peers: But Teſmond, a jeſuit, and Garnet, ſuperior of that order in England, removed theſe ſcruples, and ſhewed them how the intereſts of religion required, that the innocent ſhould here be ſacrificed with the guilty.

All this paſſed in the ſpring and ſummer of the year 1604; when the conſpirators alſo hired a houſe in Piercy's name, adjoining to that in which the parliament was to aſſemble. Towards the end of that year they began their operations. That they might be leſs interrupted, and give leſs ſuſpicion to the neighbourhood, they carried in ſtore of proviſions with them, and never deſiſted from their labour. Obſtinate in their purpoſe, and confirmed by paſſion, by principle, and by mutual exhortation, they little feared death in compariſon of a diſappointment; and having provided arms, together with the inſtruments of their labour, they reſolved there to periſh in caſe of

o Hiſtory of the Gunpowder Treaſon.
p State Trials, vol. i. p. 190. 198. 210.

a discovery. Their perseverance advanced the work; and they soon pierced the wall, though three yards in thickness; but on approaching the other side, they were somewhat startled at hearing a noise, which they knew not how to account for. Upon enquiry, they found, that it came from the vault below the house of lords; that a magazine of coals had been kept there; and that, as the coals were selling off, the vault would be let to the highest bidder. The opportunity was immediately seized; the place hired by Piecy; thirty-six barrels of powder lodged in it; the whole covered up with faggots and billets; the doors of the cellar boldly flung open; and every body admitted, as if it contained nothing dangerous. CHAP. XLVI. 1605.

Confident of success, they now began to look forward, and to plan the remaining part of their project. The king, the queen, prince Henry, were all expected to be present at the opening of parliament. The Duke, by reason of his tender age, would be absent; and it was resolved, that Piercy should seize him, or assassinate him. The Princess Elizabeth, a child likewise, was kept at Lord Harrington's house in Warwickshire; and Sir Everard Digby, Rockwood, Grant, being let into the conspiracy, engaged to assemble their friends on pretence of a hunting-match, and seizing that princess, immediately to proclaim her queen. So transported were they with rage against their adversaries, and so charmed with the prospect of revenge, that they forgot all care of their own safety; and trusting to the general confusion, which must result from so unexpected a blow, they foresaw not that the fury of the people, now unrestrained by any authority, must have turned against them, and would probably have satiated itself by an universal massacre of the Catholics.

The day so long wished for, now approached, on which the parliament was appointed to assemble. The

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dreadful ſecret, though communicated to above twenty perſons, had been religiouſly kept, during the ſpace of near a year and a half. No remorſe, no pity, no fear of puniſhment, no hope of reward, had as yet induced any one conſpirator, either to abandon the enterprize, or make a diſcovery of it. The holy fury had extinguiſhed in their breaſt every other motive; and it was an indiſcretion at laſt, proceeding chiefly from theſe very bigoted prejudices and partialities, which ſaved the nation.

Ten days before the meeting of parliament, Lord Monteagle, a Catholic, ſon to Lord Morley, received the following letter, which had been delivered to his ſervant by an unknown hand. *My Lord, Out of the love I bear to ſome of your friends, I have a care of your preſervation. Therefore I would adviſe you, as you tender your life, to deviſe ſome excuſe to ſhift off your attendance at this parliament. For God and man have concurred to puniſh the wickedneſs of this time. And think not ſlightly of this advertiſement; but retire yourſelf into your country, where you may expect the event in ſafety. For, though there be no appearance of any ſtir, yet, I ſay, they will receive a terrible blow this parliament, and yet they ſhall not ſee who hurts them. This counſel is not to be contemned, becauſe it may do you good, and can do you no harm: For the danger is paſt as ſoon as you have burned the letter. And I hope God will give you the grace to make good uſe of it, unto whoſe holy protection I commend you*[q].

Monteagle knew not what to make of this letter; and though inclined to think it a fooliſh attempt to frighten and ridicule him, he judged it ſafeſt to carry it to Lord Saliſbury, ſecretary of ſtate. Though Saliſbury too was inclined to pay little attention to it, he thought proper to lay it before the king, who came to town a few days after. To the king it appeared not ſo ſlight a matter; and from the ſerious

[q] K. James's Works, p. 227.

earneſt

earneſt ſtyle of the letter, he conjectured, that it implied ſomething dangerous and important. A *terrible blow*, and yet *the authors concealed*; a danger ſo *ſudden*, and yet ſo *great*; theſe circumſtances ſeemed all to denote ſome contrivance by gunpowder; and it was thought adviſable to inſpect all the vaults below the houſes of parliament. This care belonged to the earl of Suffolk, Lord chamberlain; who purpoſely delayed the ſearch till the day before the meeting of parliament. He remarked thoſe great piles of wood and faggots which lay in the vault under the upper houſe; and he caſt his eye upon Fawkes, who ſtood in a dark corner, and paſſed himſelf for Piercy's ſervant. That daring and determined courage, which ſo much diſtinguiſhed this conſpirator even among thoſe heroes in villany, was fully painted in his countenance, and was not paſſed unnoticed by the chamberlain[r]. Such a quantity alſo of fuel, for the uſe of one who lived ſo little in town as Piercy, appeared a little extraordinary[s]; and upon comparing all circumſtances, it was reſolved that a more thorough inſpection ſhould be made. About midnight, Sir Thomas Knevet, a juſtice of peace, was ſent with proper attendants; and before the door of the vault finding Fawkes, who had juſt finiſhed all his preparations, he immediately ſeized him, and turning over the faggots, diſcovered the powder. The matches and every thing proper for ſetting fire to the train were taken in Fawkes's pocket; who finding his guilt now apparent, and ſeeing no refuge but in boldneſs and deſpair, expreſſed the utmoſt regret, that he had loſt the opportunity of firing the powder at once, and of ſweetening his own death by that of his enemies[t]. Before the council he diſplayed the ſame intrepid firmneſs, mix-

CHAP. XLVI. 1605.

[r] K. James's Works, p. 229. [t] Ibid. p. 230.
[s] Id. Ibid.

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ed even ... with ſcorn and diſdain; refuſing to diſcover his accon ... nplices, and ſhewing no concern but for the failure c ... f the enterprize[u]. This obſtinacy laſted two or three ... : days: But being confined to the Tower, left to: ... reflect on his guilt and danger, and the rack being j' ... uſt ſhown to him, his courage, fatigued with ſo long ... ; an effort, and unſupported by hope or ſociety, ... at laſt failed him; and he made a full diſcovery of ... all the conſpirators[x].

Cat ... eſby, Piercy, and the other criminals, who were in Lo ... ndon, though they had heard of the alarm taken ... at the letter ſent to Monteagle; though they had hear ... d of the chamberlain's ſearch; yet were reſolved ... to perſiſt to the utmoſt, and never abandon their hop ... es of ſucceſs[y]. But at laſt, hearing that Fawkes was arreſted, they hurried down to Warwickſhire, where Sir Everard Digby, thinking himſelf aſſured that ſucceſs had attended his confederates, was already in arms, in order to ſeize the Princeſs Elizabeth. She had eſcaped into Coventry; and they were obliged to put themſelves on their defence againſt the country, who were raiſed from all quarters, and armed, by the ſheriff. The conſpirators, with all their attendants, never exceeded the number of eighty perſons; and being ſurrounded on every ſide, could no longer entertain hopes either of prevailing or eſcaping. Having therefore confeſſed themſelves, and received abſolution, they boldly prepared for death, and reſolved to ſell their lives as dear as poſſible to the aſſailants. But even this miſerable conſolation was denied them. Some of their powder took fire, and diſabled them for defence[z]. The people ruſhed in upon them. Piercy and Cateſby were killed by one ſhot. Digby, Rookwood, Winter, and others, being taken priſoners, were tried, confeſſed

u Winwood, vol. ii. p. 173.
x K. James's Works, p. 231.
y See note [E] at the end of the volume.
z State Trials, volume i. p. 199. Diſcourſe of the manner, &c. p. 69, 70.

their

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their guilt, and died, as well as Garnet, by th[e] hands of the executioner. Notwithſtanding this horrid crime, the bigoted Catholics were ſo devoted to Garnet, that they fancied miracles to be wrought by his blood [a]; and in Spain he was regarded as a martyr [b].

Neither had the deſperate fortune of the conſpira-tors urged them to this enterprize, nor had the former profligacy of their lives prepared them for ſo great a crime. Before that audacious attempt their conduct ſeems, in general, to be liable to no reproach. Cateſby's character had entitled him to ſuch regard, that Rookwood and Digby were ſeduced by their implicit truſt in his judgment; and they declared, that, from the motive alone of friendſhip to him, they were ready, on any occaſion, to have ſacrificed their lives [c]. Digby himſelf was as highly eſteemed and beloved as any man in England; and he had been particularly honoured with the good opinion of Queen Elizabeth [d]. It was bigotted zeal alone, the moſt abſurd of prejudices maſqued with reaſon, the moſt criminal of paſſions covered with the appearance of duty, which ſeduced them into meaſures that were fatal to themſelves, and had ſo nearly proved fatal to their country [e].

The Lords Mordaunt and Stourton, two Catholics, were fined, the former 10,000 pounds, the latter 4000, by the ſtar-chamber; becauſe their abſence from parliament had begotten a ſuſpicion of their being acquainted with the conſpiracy. The earl of Northumberland was fined 30,000 pounds, and de-

a Winwood, vol. ii. p. 300.
b Id. Ibid.
c State Trials, vol. i. p. 201.
d Athen. Ox. vol. ii. fol. 254.
e Digby, after his condemnation, ſaid, in a letter to his wife—"Now, for "my intention, let me tell you, that "if I had thought there had been the "leaſt ſin in the plot, I would not "have been of it for all the world; "and no other cauſe drew me to ha-"zard my fortune and life, but zeal "to God's religion." He expreſſes his ſurprize to hear that any Catholics had condemned it. *Digby's papers, publiſhed by Secretary Coventry.*

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tained ſeveral years priſoner in the Tower; becauſe, not to mention other grounds of ſuſpicion, he had admitted Piercy into the number of gentlemen penſioners, without his taking the requiſite oaths [f].

The king, in his ſpeech to the parliament, obſerved, That, though religion had engaged the conſpirators in ſo criminal an attempt, yet ought we not to involve all the Roman Catholics in the ſame guilt, or ſuppoſe them equally diſpoſed to commit ſuch enormous barbarities. Many holy men, he ſaid, and our anceſtors among the reſt, had been ſeduced to concur with that church in her ſcholaſtic doctrines, who yet had never admitted her ſeditious principles, concerning the Pope's power of dethroning kings or ſanctifying aſſaſſination. The wrath of Heaven is denounced againſt crimes, but innocent error may obtain its favour; and nothing can be more hateful than the uncharitableneſs of the puritans, who condemn alike to eternal torments, even the moſt inoffenſive partizans of Popery. For his part, he added, that conſpiracy, however atrocious, ſhould never alter in the leaſt his plan of government. While with one hand he puniſhed guilt, with the other he would ſtill ſupport and protect innocence [g]. After this ſpeech, he prorogued the parliament till the 22d of January [h].

The moderation, and, I may ſay, magnanimity, of the king, immediately after ſo narrow an eſcape from a moſt deteſtable conſpiracy, was no wiſe agreeable to his ſubjects. Their animoſity againſt Popery, even before this provocation, had riſen to a great pitch; and it had perhaps been more prudent in James, by a little diſſimulation, to have conformed

f Camden in Kennet, p. 692.

g K. James's Works, p. 503, 504.

h The Parliament, this ſeſſion, paſſed an act obliging every one to take the oath of allegiance: A very moderate teſt, ſince it decided no controverted points between the two religions, and only engaged the perſons who took it to abjure the Pope's power of dethroning kings. See K. James's Works, p. 250.

himſelf

himself to it. His theological learning, confirmed by disputation, had happily fixed his judgment in the Protestant faith; yet was his heart a little biassed by the allurements of Rome, and he had been well pleased, if the making of some advances could have effected an union with that ancient mother-church. He strove to abate the acrimony of his own subjects against the religion of their fathers. He became himself the object of their diffidence and aversion. Whatever measures he embraced in Scotland to introduce Prelacy, in England to enforce the authority of the established church, and support its rites and ceremonies, were interpreted as so many steps towards Popery, and were represented by the puritans as symptoms of idolatry and superstition. Ignorant of the consequences, or unwilling to sacrifice to politics his inclination, which he called his conscience, he persevered in the same measures, and gave trust and preferment, almost indifferently, to his Catholic and Protestant subjects. And finding his person, as well as his title, less obnoxious to the church of Rome, than those of Elizabeth, he gradually abated the rigour of those laws which had been enacted against that church, and which were so acceptable to his bigotted subjects. But the effects of these dispositions on both sides became not very sensible, till towards the conclusion of his reign. CHAP. XLVI. 1606.

At this time, James seems to have possessed the affections even of his English subjects, and, in a tolerable degree, their esteem and regard. Hitherto their complaints were chiefly levelled against his too great constancy in his early friendships; a quality which, had it been attended with more œconomy, the wise would have excused, and the candid would even perhaps have applauded. His parts, which were not despicable, and his learning, which was great, being highly extolled by his courtiers and gownmen, and not yet tried in the management of

CHAP. XLVI. 1606.

any delicate affairs, for which he was unfit, raised a high idea of him in the world; nor was it always through flattery or insincerity that he received the title of the Second Solomon. A report, which was suddenly spread about this time, of his being assassinated, visibly struck a great consternation into all orders of men [i]. The commons also abated, this session, somewhat of their excessive frugality, and granted him an aid, payable in four years, of three subsidies and six fifteenths, which, Sir Francis Bacon said in the house [k], might amount to about four hundred thousand pounds: and, for once, the king and parliament parted in friendship and good humour. The hatred which the Catholics so visibly bore him, gave him, at this time, an additional value in the eyes of his people. The only considerable point in which the commons incurred his displeasure was, by discovering their constant good-will to the puritans, in whose favour they desired a conference with the lords [l], which was rejected.

A parliament.

Nov. 18.

The chief affair transacted next session was the intended union of the two kingdoms [m]. Nothing could exceed the king's passion and zeal for this noble enterprize, but the parliament's prejudice and reluctance against it. There remain two excellent speeches in favour of the union, which it would not be improper to compare together; that of the king [n], and that of Sir Francis Bacon. Those who affect in every thing such an extreme contempt for James, will be surprised to find, that his discourse, both for good reasoning and elegant composition, approaches very near that of a man who was undoubtedly, at that time, one of the greatest geniuses in Europe. A few trivial indiscretions and indecorums may be

i Kennet, p. 696.
k Journ. 20th May 1606.
l Journ. 5th April 1606.
m Kennet, p. 676.
n K. James's Works, p. 509.

said

ſaid to characterize the harangue of the monarch, and mark it for his own. And, in general, ſo open and avowed a declaration in favour of a meaſure, while he had taken no care, by any precaution or intrigue, to inſure ſucceſs, may ſafely be pronounced an indiſcretion. But the art of managing parliaments, by private intereſt or cabal, being found hitherto of little uſe or neceſſity, had not as yet become a part of Engliſh politics. In the common courſe of affairs, government could be conducted without their aſſiſtance; and when their concurrence became neceſſary to the meaſures of the crown, it was, generally ſpeaking, except in times of great faction and diſcontent, obtained without much difficulty.

The king's influence ſeems to have rendered the Scottiſh parliament cordial in all the ſteps which they took towards the union. Though the advantages which Scotland might hope from that meaſure were more conſiderable, yet were the objections too, with regard to that kingdom, more ſtriking and obvious. The benefit which muſt have reſulted to England, both by acceſſion of ſtrength and ſecurity, was not deſpicable; and as the Engliſh were by far the greater nation, and poſſeſſed the ſeat of government, the objections, either from the point of honour or from jealouſy, could not reaſonably have any place among them. The Engliſh parliament, indeed, ſeem to have been ſwayed merely by the vulgar motive of national antipathy; and they perſiſted ſo obſtinately in their prejudices, that all the efforts for a thorough union and incorporation ended only in the abolition of the hoſtile laws formerly enacted between the kingdoms [o].

o The commons were even ſo averſe to the union, that they had complained in the former ſeſſion to the lords, of the Biſhop of Briſtol, for writing a book in favour of it; and the prelate was obliged to make ſubmiſſions for this offence. The crime imputed to him ſeems to have conſiſted in his treating of a ſubject which lay before the Parliament. So little a notion had they as yet of general liberty! See Parliamentary Hiſtory, vol. v. p. 108, 109, 110.

Some

CHAP. XLVI. 1606.

Some precipitate ſteps which the king, a little after his acceſſion, had taken, in order to promote his favourite project, had been here obſerved to do more injury than ſervice. From his own authority, he had aſſumed the title of king of Great Britain, and had quartered the arms of Scotland with thoſe of England, in all coins, flags, and enſigns. He had alſo engaged the judges to make a declaration, that all thoſe who, after the union of the crowns, ſhould be born in either kingdom, were, for that reaſon alone, naturalized in both. This was a nice queſtion, and, according to the ideas of thoſe times, ſuſceptible of ſubtile reaſoning on both ſides. The king was the ſame: The parliaments were different. To render the people therefore the ſame, we muſt ſuppoſe that the ſovereign authority reſided chiefly in the prince, and that theſe popular aſſemblies were rather inſtituted to aſſiſt with money and advice, than endowed with any controuling or active powers in the government. *It is evident*, ſays Bacon, in his pleadings on this ſubject, *that all other commonwealths, monarchies only excepted, do ſubſiſt by a law precedent. For where authority is divided amongſt many officers, and they not perpetual, but annual or temporary, and not to receive their authority but by election, and certain perſons to have voices only in that election, and the like; theſe are buſy and curious frames, which of neceſſity do preſuppoſe a law precedent, written or unwritten, to guide and direct them: But in monarchies, eſpecially hereditary, that is, when ſeveral families or lineages of people do ſubmit themſelves to one line, imperial or royal, the ſubmiſſion is more natural and ſimple; which afterwards, by law ſubſequent, is perfected, and made more formal: but that is grounded upon nature* [p]. It would ſeem, from this reaſoning, that the idea of a *hereditary, limited* monarchy, though implicitly ſuppoſed in many public tranſactions, had ſcarcely ever

[p] Bacon's Works, vol. iv. p. 190, 191. Edit. 1730.

as yet, been expreſsly formed by any Engliſh lawyer or politician. CHAP. XLVI. 1606.

Except the obſtinacy of the parliament with regard to the union, and an attempt on the king's eccleſiaſtical juriſdiction [q], moſt of their meaſures, during this ſeſſion, were ſufficiently reſpectful and obliging; though they ſtill diſcover a vigilant ſpirit, and a careful attention towards national liberty. The votes alſo of the commons ſhow, that the houſe contained a mixture of puritans, who had acquired great authority among them [r], and who, together with religious prejudices, were continually ſuggeſting ideas more ſuitable to a popular than a monarchial form of government. The natural appetite for rule made the commons lend a willing ear to every doctrine which tended to augment their own power and influence.

A petition was moved in the lower-houſe for a more rigorous execution of the laws againſt Popiſh recuſants, and an abatement towards Proteſtant clergymen, who ſcrupled to obſerve the ceremonies.—Both theſe points were equally unacceptable to the king; and he ſent orders to the houſe to proceed no farther in that matter. The commons were inclined, at firſt, to conſider theſe orders as a breach of privilege: But they ſoon acquieſced, when told, that this meaſure of the king's was ſupported by many precedents during the reign of Elizabeth [s]. Had they been always diſpoſed to make the precedents of that reign the rule of their conduct, they needed never have had any quarrel with any of their monarchs. 1607.

The complaints of Spaniſh depredations were very loud among the Engliſh merchants [t]. The lower-houſe ſent a meſſage to the lords, deſiring a confe- June 5.

q Journ. 2 December, 5 March, 1606. 25, 26 June, 1607. Journ. 26 Feb. 4, 7 March, 1606. 2 May, 17 June, 1607.

s Journ. 16, 17 June, 1607.

t Journ. 25 Feb. 1606.

rence

CHAP. XLVI. 1607.

rence with them, in order to their presenting a joint petition to the king on the subject. The lords took some time to deliberate on this message; because, they said, the matter was *weighty* and *rare*.—It probably occurred to them, at first, that the parliaments interposing in affairs of state would appear unusual and extraordinary. And to show that in this sentiment they were not guided by court influence, after they had deliberated, they agreed to the conference.

The house of commons began now to feel themselves of such importance, that on the motion of Sir Edwin Sandys, a member of great authority, they entered, for the first time, an order for the regular keeping of their journals[u]. When all business was finished, the king prorogued the parliament.

About this time, there was an insurrection of the country people in Northamptonshire, headed by one Reynolds, a man of low condition. They went about destroying inclosures; but carefully avoided committing any other outrage. This insurrection
July 4. was easily suppressed, and though great lenity was used towards the rioters, yet were some of the ring-leaders punished. The chief cause of that trivial commotion seems to have been, of itself, far from trivial. The practice still continued in England, of diffusing tillage, and throwing the land into inclosures for the sake of pasture. By this means the kingdom was depopulated, at least, prevented from encreasing so much in people as might have been expected from the daily encrease of industry and commerce.

1608. Next year presents us with nothing memorable: But in the spring of the subsequent, after a long negociation, was concluded, by a truce of twelve
1609. years, that war, which, for near half a century, had

[u] Journ. 3 July 1607.

been

been carried on with such fury between Spain and the States of the United Provinces. Never contest seemed, at first, more unequal: Never contest was finished with more honour to the weaker party.—On the side of Spain were numbers, riches, authority, discipline: On the side of the revolted provinces were found the attachment to liberty and the enthusiasm of religion. By her naval enterprises, the republic maintained her armies; and, joining peaceful industry to military valour, she was enabled, by her own force, to support herself, and gradually rely less on those neighbouring princes who, from jealousy to Spain, were at first prompted to encourage her revolt. Long had the pride of that monarchy prevailed over her interest, and prevented her from hearkening to any terms of accommodation with her rebellious subjects. But finding all intercourse cut off between her provinces by the maritime force of the states, she at last agreed to treat with them as a free people, and solemnly to renounce all claim and pretension to their sovereignty.

CHAP. XLVI.

1609. Truce between Spain and the United Provinces.

This chief point being gained, the treaty was easily brought to a conclusion, under the joint mediation and guarantee of France and England. All exterior appearances of honour were paid equally to both crowns: But very different were the sentiments which the states, as well as all Europe, entertained of the princes who wore them. Frugality and vigour, the chief circumstances which procure regard among foreign nations, shone out as conspicuously in Henry as they were deficient in James. To a contempt of the English monarch, Henry seems to have added a considerable degree of jealousy and aversion, which were sentiments altogether without foundation.—James was just and fair in all transactions with his allies [x], but it appears from the memoirs of those times,

March 30.

[x] The plan of accommodation which James recommended is found in Winwood, vol. ii. p. 429, 430; and is the same that was recommended by Henry.

that

CHAP. XLVI. 1609.

that each ſide deemed him partial towards their adverſary, and fancied that he had entered into ſecret meaſures againſt them[y]. So little equity have men in the judgments of their own affairs; and ſo dangerous is that entire neutrality affected by the king of England!

1610. February 9. A parliament.

The little concern which James took in foreign affairs, renders the domeſtic occurrences, particularly thoſe of parliament, the moſt intereſting of his reign. A new ſeſſion was held this ſpring; the king full of hopes of receiving ſupply; the commons, of circumſcribing his prerogative. The earl of Salisbury, now created treaſurer on the death of the earl of Dorſet, laid open the king's neceſſities, firſt to the peers, then to a committee of the lower-houſe[z]. He inſiſted on the unavoidable expence incurred in ſupporting the navy, and in ſuppreſſing a late inſurrection in Ireland: He mentioned three numerous courts which the king was obliged to maintain; for himſelf, for the queen, and for the prince of Wales: He obſerved, that Queen Elizabeth, though a ſingle woman, had received very large ſupplies in the years preceding her death, which alone were expenſive to her: And he remarked, that, during her reign, ſhe had alienated many of the crown lands; an expedient which, though it ſupplied her preſent neceſſities, without laying burdens on her people, extremely multiplied the neceſſities of her ſucceſſor. From all theſe cauſes he thought it nowiſe ſtrange, that the

ry, as we learn from Jeanin, tom. iii. p. 416, 417. It had long been imagined by hiſtorians, from Jeanin's authority, that James had declared to the court of Spain, that he would not ſupport the Dutch in their pretenſions to liberty and independence. But it has ſince been diſcovered by Winwood's Memorials, vol. ii. p. 456, 466, 469, 475, 476, that that report was founded on a lie of Preſident Richardot's.

y Winwood, and Jeanin, *paſſim*.

z Journ. 17 Feb. 1609. Kennet, p. 681.

king's

king's income ſhould fall ſhort ſo great a ſum as eighty-one thouſand pounds of his ſtated and regular expence; without mentioning contingencies, which ought always to be eſteemed a fourth of the yearly charges. And as the crown was now neceſſarily burdened with a great and urgent debt of 300,000 pounds, he thence inferred the abſolute neceſſity of an immediate and large ſupply from the people. To all theſe reaſons, which James likewiſe urged in a ſpeech addreſſed to both houſes, the commons remained inexorable. But, not to ſhock the king with an abſolute refuſal, they granted him one ſubſidy and one fifteenth; which would ſcarcely amount to a hundred thouſand pounds. And James received the mortification of diſcovering, in vain, all his wants, and of begging aid of ſubjects who had no reaſonable indulgence or conſideration for him. CHAP. XLVI. 1610. March 21.

Among the many cauſes of diſguſt and quarrel which now daily and unavoidably multiplied between prince and parliament, this article of money is to be regarded as none of the leaſt conſiderable. After the diſcovery and conqueſt of the Weſt Indies, gold and ſilver became every day more plentiful in England, as well as in the reſt of Europe; and the price of all commodities and proviſions roſe to a height beyond what had been known ſince the declenſion of the Roman empire. As the revenue of the crown roſe not in proportion [a], the prince was inſenſibly reduced to poverty amidſt the general riches of his ſubjects, and required additional funds, in order to ſupport the ſame magnificence and force which had been maintained by former monarchs. But, while money thus flowed into England, we may obſerve, that, at the ſame time, and probably from that very cauſe,

a Beſides the great alienation of the crown lands, the fee-farm rents never encreaſed, and the other lands were let on long leaſes, and at a great under-value, little or nothing above the old rent.

arts

CHAP. XLVI. 1688.

arts and induſtry of all kinds received a mighty encreaſe; and elegance in every enjoyment of life became better known, and more cultivated among all ranks of people. The king's ſervants, both civil and military, his courtiers, his miniſters, demanded more ample ſupplies from the impoveriſhed prince, and were not contented with the ſame ſimplicity of living which had ſatisfied their anceſtors. The prince himſelf began to regard an encreaſe of pomp and ſplendour as requiſite to ſupport the dignity of his character, and to preſerve the ſame ſuperiority above his ſubjects which his predeceſſors had enjoyed. Some equality too, and proportion to the other ſovereigns of Europe, it was natural for him to deſire; and as they had univerſally enlarged their revenue, and multiplied their taxes, the king of England deemed it reaſonable, that his ſubjects, who were generally as rich as theirs, ſhould bear with patience ſome additional burdens and impoſitions.

Unhappily for the king, thoſe very riches, with the encreaſing knowledge of the age, bred oppoſite ſentiments in his ſubjects; and begetting a ſpirit of freedom and independence, diſpoſed them to pay little regard, either to the entreaties or menaces of their ſovereign. While the barons poſſeſſed their former immenſe property and extenſive juriſdictions, they were apt, at every diſguſt, to endanger the monarch, and throw the whole government into confuſion: But this confuſion often, in its turn, proved favourable to the monarch, and made the nation again ſubmit to him, in order to re-eſtabliſh juſtice and tranquillity. After the power of alienations, as well as the encreaſe of commerce, had thrown the balance of property into the hands of the commons, the ſituation of affairs, and the diſpoſitions of men became ſuſceptible of a more regular plan of liberty; and the laws were not ſupported ſingly by the authority

rity of the ſovereign. And though in that interval, after the decline of the peers, and before the people had yet experienced their force, the princes aſſumed an exorbitant power, and had almoſt annihilated the conſtitution under the weight of their prerogative; as ſoon as the commons recovered from their lethargy, they ſeem to have been aſtoniſhed at the danger, and were reſolved to ſecure liberty by firmer barriers, than their anceſtors had hitherto provided for it. CHAP. XLVI. 1610.

Had James poſſeſſed a very rigid frugality, he might have warded off this criſis ſomewhat longer; and waiting patiently for a favourable opportunity to increaſe and fix his revenue, might have ſecured the extenſive authority tranſmitted to him. On the other hand, had the commons been inclined to act with more generoſity and kindneſs towards their prince, they might probably have turned his neceſſities to good account, and have bribed him to depart peaceably from the more dangerous articles of his prerogative. But he was a foreigner, and ignorant of the arts of popularity; they were ſoured by religious prejudices, and tenacious of their money: And, in this ſituation, it is no wonder that, during this whole reign, we ſcarcely find an interval of mutual confidence and friendſhip between prince and parliament.

The king, by his prerogative alone, had, ſome years before, altered the rates of the cuſtoms, and had eſtabliſhed higher impoſitions on ſeveral kinds of merchandiſe. This exerciſe of power will naturally, to us, appear arbitrary and illegal; yet, according to the principles and practices of that time, it might admit of ſome apology. The duties of tonnage and poundage were at firſt granted to the crown, by a vote of parliament, and for a limited time; and as the grant frequently expired and was renewed, there could not then ariſe any doubt concerning the origin of the king's right to levy theſe duties; and this im-

CHAP. XLVI. 1610.

position, like all others, was plainly derived from the voluntary consent of the people. But as Henry V. and all the succeeding sovereigns, had the revenue conferred on them for life, the prince, so long in possession of these duties, began gradually to consider them as his own proper right and inheritance, and regarded the vote of parliament as a mere formality, which rather expressed the acquiescence of the people in his prerogative, than bestowed any new gift of revenue upon him.

The parliament, when it first granted poundage to the crown, had fixed no particular rates: The imposition was given as a shilling in a pound, or five *per cent.* on all commodities: It was left to the king himself, and the privy council, aided by the advice of such merchants as they should think proper to consult, to fix the value of goods, and thereby the rates of the customs: And as that value had been settled before the discovery of the West Indies, it was become much inferior to the prices which almost all commodities bore in every market in Europe; and consequently, the customs on many goods, though supposed to be five *per cent.* was in reality much inferior. The king, therefore, was naturally led to think, that rates, which were now plainly false, ought to be corrected [b]; that a valuation of commodities, fixed by one act of the privy council, might be amended by another; that if his right to poundage were inherent in the crown, he should also possess of himself the right of correcting its inequalities; if this duty were granted by the people, he should at least support the spirit of the law, by fixing a new and a juster valuation of all commodities. But besides this reasoning, which seems plausible, if not solid, the king was supported in that act of power by direct precedents, some in the reign of Mary, some

b Winwood, vol. ii. p. 438.

in

in the beginning of Elizabeth [c]. Both theſe princeſſes had, without conſent of parliament, altered the rates of commodities; and as their impoſitions had all along been ſubmitted to without a murmur, and ſtill continued to be levied, the king had no reaſon to apprehend, that a farther exertion of the ſame authority would give any occaſion of complaint. That leſs umbrage might be taken, he was moderate in the new rates, which he eſtabliſhed: The cuſtoms, during his whole reign, roſe only from 127,000 l. a-year to 190,000 l.; though, beſides the encreaſe of the rates, there was a ſenſible encreaſe of commerce and induſtry during that period. Every commodity, beſides, which might ſerve to the ſubſiſtence of the people, or might be conſidered as a material of manufactures, was exempted from the new impoſitions of James [d]. But all this caution could not prevent the complaints of the commons. A ſpirit of liberty had now taken poſſeſſion of the houſe. The leading members, men of an independent genius and large views, began to regulate their opinions more by the future conſequences which they foreſaw, than by the former precedents which were ſet before them; and they leſs aſpired at maintaining the antient conſtitution, than at eſtabliſhing a new one, and a freer, and a better. In their remonſtrances to the king on this occaſion, they obſerved it to be a general opinion, *That the reaſons of that practice might be extended much farther, even to the utter ruin of the antient liberty of the kingdom, and the ſubjects right of property in their lands and goods* [e]. Though expreſsly forbidden by the king to touch his prerogative, they paſſed a bill aboliſhing theſe impoſitions; which was rejected by the houſe of lords.

CHAP. XLVI. 1610.

c Journ. 18th April, 5th and 10th May, 1614, &c. 20th Feb. 1625.—See alſo Sir John Davis's queſtion concerning impoſitions, p. 127, 128.

d Sir John Davis's queſtion concerning impoſitions.

e Journ. 23d May 1610.

CHAP. XLVI. 1610.

In another addreſs to the king, they objected to the practice of borrowing upon privy ſeals, and deſired, that the ſubjects ſhould not be forced to lend money to his majeſty, or give a reaſon for their refuſal. Some murmurs likewiſe were thrown out in the houſe againſt a new monoply of the licenſe of wines[f]. It muſt be confeſſed, that forced loans and monopolies were eſtabliſhed on many and antient as well as recent precedents; though diametrically oppoſite to all the principles of a free government[g].

The houſe likewiſe diſcovered ſome diſcontent againſt the king's proclamations. James told them, *That though he well knew, by the conſtitution and policy of the kingdom, that proclamations were not of equal force with laws; yet he thought it a duty incumbent on him, and a power inſeparably annexed to the crown, to reſtrain and prevent ſuch miſchiefs and inconveniencies as he ſaw growing on the ſtate, againſt which no certain law was extant, and which might tend to the great detriment of the ſubject, if there ſhould be no remedy provided till the meeting of a parliament. And this prerogative*, he adds, *our progenitors have, in all times, uſed and enjoyed*[h]. The intervals between ſeſſions, we may obſerve, were frequently ſo long, as to render it neceſſary for a prince to interpoſe by his prerogative. The legality of this exertion was eſtabliſhed by uniform and undiſputed practice; and was even acknowledged by lawyers, who made, however, this difference between laws and proclamations, that the authority of the former was perpetual, that of the latter expired with the ſovereign who emitted them[i]. But what the authority could be which bound the ſubject, yet was different from the authority of laws, and inferior to it, ſeems inexplicable by any maxims of reaſon or poli-

f Parliament. Hiſt. vol. v. p. 241.
g See note [F] at the end of the volume.
h Parliament. Hiſt. vol. v. p. 250.
i Journ. 12 May 1624.

tics:

tics: And in this inſtance, as in many others, it is eaſy to ſee, how inaccurate the Engliſh conſtitution was, before the parliament was enabled, by continued acquiſitions or encroachments, to eſtabliſh it on fixt principles of liberty.

Upon the ſettlement of the reformation, that extenſive branch of power which regards eccleſiaſtical matters, being then without an owner, ſeemed to belong to the firſt occupant; and Henry VIII. failed not immediately to ſeize it, and to exert it even to the utmoſt degree of tyranny. The poſſeſſion of it was continued with Edward; and recovered by Elizabeth; and that ambitious princeſs was ſo remarkably jealous of this flower of her crown, that ſhe ſeverely reprimanded the parliament, if they ever preſumed to intermeddle in theſe matters; and they were ſo over-awed by her authority, as to ſubmit, and to aſk pardon on theſe occaſions. But James's parliaments were much leſs obſequious.—They ventured to lift up their eyes, and to conſider this prerogative. They there ſaw a large province of government, poſſeſſed by the king alone, and ſcarcely ever communicated with the parliament.—They were ſenſible, that this province admitted not of any exact boundary or circumſcription. They had felt, that the Roman pontiff, in former ages, under pretence of religion, was gradually making advances to uſurp the whole civil power. They dreaded ſtill more dangerous conſequences from the claims of their own ſovereign, who reſided among them, and who, in many other reſpects, poſſeſſed ſuch unlimited authority. They, therefore, deemed it abſolutely neceſſary to circumſcribe this branch of prerogative; and accordingly, in the preceding ſeſſion, they paſſed a bill againſt the eſtabliſhment of any eccleſiaſtical canons without conſent of parliament [k]. But the

k Journ. 2d, 11th Dec.; 5th March, 1606.

CHAP. XLVI. 1610.

house of lords, as is usual, defended the barriers of the throne, and rejected the bill.

In this session, the commons, after passing anew the same bill, made remonstrances against the proceedings of the *high commission court* [l]. It required no great penetration to see the extreme danger to liberty arising in a regal government, from such large discretionary powers as were exercised by that court. But James refused compliance with the application of the commons. He was probably sensible, that, besides the diminution of his authority, many inconveniencies must necessarily result from the abolishing of all discretionary power in every magistrate; and that the laws, were they ever so carefully framed and digested, could not possibly provide against every contingency; much less, where they had not as yet attained a sufficient degree of accuracy and refinement.

But, the business which chiefly occupied the commons during this session was the abolition of wardships and purveyance, prerogatives which had been more or less touched on every session, during the whole reign of James. In this affair, the commons employed the proper means which might entitle them to success. They offered the king a settled revenue as an equivalent for the powers which he should part with; and the king was willing to hearken to terms. After much dispute, he agreed to give up these prerogatives for 200,000 pounds a-year, which they agreed to confer upon him [m]. And nothing

l Parliament. Hist. vol. v. p. 247. Kennet, p. 681.

m We learn from Winwood's Memorials, vol. ii. p. 193. the reason assigned for this particular sum. "From "thence my lord treasurer came to "the price; and here he said, that "the king would no more rise and "fall like a merchant. That he would "not have a flower of his crown "(meaning the court of wards) so "much tossed; that it was too dainty to be so handled: And then he "said, that he must deliver the very "countenance and character of the "king's mind out of his own hand-"writing: which, before he read, he "said he would acquaint us with a "pleasant

nothing remained towards closing the bargain, but that the commons should determine the funds by which this sum should be levied. This session was too far advanced to bring so difficult a matter to a full conclusion; and, though the parliament met again, towards the end of the year, and resumed the question, they were never able to terminate an affair upon which they seemed so intent. The journals of that session are lost; and, as the historians of this reign are very negligent in relating parliamentary affairs, of whose importance they were not sufficiently apprised, we know not exactly the reason of this failure. It only appears, that the king was extremely dissatisfied with the conduct of the parliament, and soon after dissolved it. This was his first parliament and it sat near seven years. CHAP. XLVI. 1610.

Amidst all these attacks, some more some less violent on royal prerogative, the king displayed, as openly as ever, all his exalted notions of monarchy and the authority of princes. Even in a speech to the parliament, where he begged for supply, and where he should naturally have used every art to ingratiate himself with that assembly, he expressed himself in these terms: "I conclude, then, the "point touching the power of kings, with this "axiom of divinity, that, as to dispute *what God* "*may do* is blasphemy, but *what God wills*, that di-

"pleasant conceit of his Majesty. As "concerning the number of ninescore "thousand pounds, which was our "number, he could not affect, because "nine was the number of the poets, "who were always beggars, though "they served so many muses; and e-"leven was the number of the apo-"stles, when the traitor Judas was a-"way; and therefore might best be "effected by his Majesty: But there "was a mean number, which might "accord us both, and *that was ten:* "which, says my lord treasurer, is a "sacred number; for so many were "God's commandments, which tend "to virtue and edification." If the commons really voted 20,000 l. a-year more on account of this *pleasant conceit* of the king and the treasurer, it was certainly the best paid wit, for its goodness, that ever was in the world.

CHAP. XLVI. 1610.

"vines may lawfully and do ordinarily diſpute and "diſcuſs; ſo it is ſedition in ſubjects to diſpute what "a king may do in the height of his power. But "juſt kings will ever be willing to declare what "they will do, if they will not incur the curſe of "God. I will not be content, that my power be "diſputed upon; but I ſhall ever be willing to make "the reaſon appear of my doings, and rule my ac-"tions according to *my* laws [n]." Notwithſtanding the great extent of prerogative in that age, theſe expreſſions would probably give ſome offence. But, we may obſerve, that as the king's deſpotiſm was more ſpeculative than practical, ſo the independency of the commons was, at this time, the reverſe; and, though ſtrongly ſupported by their preſent ſituation, as well as diſpoſition, was too new and recent to be as yet founded on ſyſtematical principles and opinions [o].

3d May. Death of the French king.

This year was diſtinguiſhed by a memorable event, which gave great alarm and concern in England, the murder of the French monarch by the poinard of the fanatical Ravaillac. With his death, the glory of the French monarchy ſuffered an eclipſe for ſome years; and, as that kingdom fell under an adminiſtration weak and bigoted, factious and diſorderly, the Auſtrian greatneſs began anew to appear formidable to Europe. In England, the antipathy to the Catholics revived a little upon this tragical event; and ſome of the laws, which had formerly been enacted in order to keep theſe religioniſts in awe, began now to be executed with greater rigour and ſeverity [p].

1611. Though James's timidity and indolence fixed him, during moſt of his reign, in a very prudent inatten-

n K. James's Works, p. 531.
o See note [G] end of the volume.
p Kennet, p. 684.

tion

tion to foreign affairs, there happened, this year, an event in Europe of ſuch mighty conſequence as to rouſe him from his lethargy, and ſummon up all his zeal and enterprize. A profeſſor of divinity, named Vorſtius, the diſciple of Arminius, was called from a German to a Dutch univerſity; and, as he differed from his Britannic Majeſty in ſome nice queſtions concerning the intimate eſſence and ſecret decrees of God, he was conſidered as a dangerous rival in ſcholaſtic fame, and was at laſt obliged to yield to the legions of that royal doctor, whoſe ſyllogiſms he might have refuted or eluded. If vigour was wanting in other incidents in James's reign, here he behaved even with haughtineſs and inſolence; and the ſtates were obliged, after ſeveral remonſtrances, to deprive Vorſtius of his chair, and to baniſh him their dominions [l]. The king carried no farther his animoſity againſt that profeſſor; though he had very charitably hinted to the ſtates, *That, as to the burning of Vorſtius for his blaſphemics and atheiſm, he left them to their own Chriſtian wiſdom; but ſurely never heretic better deſerved the flames* [m]. It is to be remarked, that at this period, all over Europe, except in Holland alone, the practice of burning heretics ſtill prevailed, even in Proteſtant countries; and inſtances were not wanting in England during the reign of James.

CHAR. XLVI. 1611.

Arminianiſm.

To conſider James in a more advantageous light, we muſt take a view of him as the legiſlator of Ireland; and moſt of the inſtitutions which he had framed for civilizing that kingdom being finiſhed about this period, it may not here be improper to give ſome account of them. He frequently boaſts of the management of Ireland as his maſter-piece; and it will appear, upon inquiry, that his vanity in this particular was not altogether without foundation.

l Kennet, p. 715.

m K. James's Works, p. 355.

After

CHAP. XLVI.

1611. State of Ireland.

After the ſubjection of Ireland by Elizabeth, the more difficult taſk ſtill remained, to civilize the inhabitants, to reconcile them to laws and induſtry, and to render their ſubjection durable and uſeful to the crown of England. James proceeded in this work by a ſteady, regular, and well-concerted plan; and, in the ſpace of nine years, according to Sir John Davis, he made greater advances towards the reformation of that kingdom, than had been made in the 440 years which had elapſed ſince the conqueſt was firſt attempted [n].

It was previouſly neceſſary to aboliſh the Iriſh cuſtoms, which ſupplied the place of laws, and which were calculated to keep that people for ever in a ſtate of barbariſm and diſorder.

By the *Brehon* law or cuſtom, every crime, however enormous, was puniſhed, not with death, but by a fine or pecuniary mulct, which was levied upon the criminal. Murder itſelf, as among all the ancient barbarous nations, was atoned for in this manner; and each man, according to his rank, had a different rate or value affixed to him, which, if any one were willing to pay, he needed not fear aſſaſſinating his enemy. This rate was called his *eric*. When Sir William Fitzwilliams, being lord deputy, told Maguire, that he was to ſend a ſheriff into Fermannah, which, a little before had been made a county, and ſubjected to the Engliſh law, *Your ſheriff*, ſaid Maguire, *ſhall be welcome to me: But let me know, beforehand, his* eric, *or the price of his head, that, if my people cut it off, I may levy the money upon the county* [o]. As for oppreſſion, extortion, and other treſpaſſes, ſo little were they regarded, that no penalty was affixed to them, and no redreſs for ſuch offences could ever be obtained.

The cuſtoms of *Gavelkinde* and *Taniſtry* were attended with the ſame abſurdity in the diſtribution of pro-

[n] K. James's Works, p. 259. edit. 1631. [o] Sir John Davis, p. 166.

perty.

perty. The land, by the cuſtom of Gavelkinde, was divided among all the males of the ſept or family, both baſtard and ligitimate: And, after partition made, if any one of the ſept died, his portion was not ſhared out among his ſons, but the chieftain, at his diſcretion, made a new partition of all the lands belonging to that ſept, and gave every one his ſhare[p]. As no man, by reaſon of this cuſtom, enjoyed the fixed property of any land, to build, to plant, to encloſe, to cultivate, to improve, would have been ſo much loſt labour. CHAP. XLVI. 1611.

The chieftains and the Taniſts, though drawn from the principal families, were not hereditary, but were eſtabliſhed by election, or, more properly ſpeaking, by force and violence. Their authority was almoſt abſolute; and, notwithſtanding that certain lands were aſſigned to the office, its chief profit reſulted from exactions, dues, aſſeſſments, for which there was no fixed law, and which was levied at pleaſure[q]. Hence aroſe that common bye-word among the Iriſh, *That they dwelt weſtward of the law, which dwelt beyond the river of the Barrow;* meaning the country where the Engliſh inhabited, and which extended not beyond the compaſs of twenty miles, lying in the neighbourhood of Dublin[r].

After aboliſhing theſe Iriſh cuſtoms, and ſubſtituting Engliſh law in their place, James, having taken all the natives under his protection, and declared them free citizens, proceeded to govern them by a regular adminiſtration, military as well as civil.

A ſmall army was maintained, its diſcipline inſpected, and its pay tranſmitted from England, in order to keep the ſoldiers from preying upon the country, as had been uſual in former reigns. When Odoghartie raiſed an inſurrection, a reinforcement was ſent over, and the flames of that rebellion were immediately extinguiſhed.

p Sir John Davis, p. 167. q Id. p. 173. r Id. p. 237.

All

CHAP. XLVI. 1613.

All minds being firſt quieted by a general indemnity [s], circuits were eſtabliſhed, juſtice adminiſtered, oppreſſion baniſhed, and crimes and diſorders of every kind ſeverely puniſhed [t]. As the Iriſh had been univerſally engaged in the rebellion againſt Elizabeth, a reſignation of all the rights, which had been formerly granted them to ſeparate juriſdictions, was rigorouſly exacted; and no authority, but that of the king and the law, was permitted throughout the kingdom [u].

A reſignation of all private eſtates was even required; and when they were reſtored, the proprietors received them under ſuch conditions as might prevent, for the future, all tyranny and oppreſſion over the common people. The value of the dues, which the nobles uſually claimed from their vaſſals, was eſtimated at a fixed ſum, and all farther arbitrary exactions prohibited under ſevere penalties [x].

The whole province of Ulſter having fallen to the crown by the attainder of rebels, a company was eſtabliſhed in London, for planting new colonies in in that fertile country: The property was divided into moderate ſhares, the largeſt not exceeding 2000 acres; tenants were brought over from England and Scotland; the Iriſh were removed from the hills and faſtneſſes, and ſettled in the open country; huſbandry and the arts were taught them; a fixed habitation ſecured; plunder and robbery puniſhed; and, by theſe means, Ulſter, from being the moſt wild and diſorderly province of all Ireland, ſoon became the beſt cultivated and moſt civilized [y].

Such were the arts by which James introduced humanity and juſtice among the people who had ever been buried in the moſt profound babariſm. Noble cares! much ſuperior to the vain and crimi-

s Sir John Davis, p. 263.
t Id. p. 264, 265, &c.
u Id. p. 176.
x Id. p. 278.
y Id. p. 280.

nal

nal glory of conquests; but requiring ages of perse- CHAP. XLVI. verance and attention to perfect what had been so happily begun. 1612.

A laudable act of justice was, about this time, executed in England upon lord Sanquhir, a Scottish nobleman, who had been guilty of the base assassination of Turner, a fencing-master. The English nation, who were generally dissatisfied with the Scots, were enraged at this crime, equally mean and attrocious; but James appeased them, by preferring the severity of law to the intercession of the friends and family of the criminal[z].

z Kennet, p. 688.

CHAP.

CHAP. XLVII.

Death of Prince Henry——Marriage of the Princeſs Elizabeth with the Palatine——Riſe of Somerſet——His marriage——Overbury poiſoned——Fall of Somerſet——Riſe of Buckingham——Cautionary towns delivered——Affairs of Scotland.

CHAP. XLVII.

1612.

Nov. 6. Death of Prince Henry.

THIS year the ſudden death of Henry prince of Wales, diffuſed an univerſal grief throughout the nation. Though youth and royal birth, both of them ſtrong allurements, prepoſſeſs men mightily in favour of the early age of princes, it is with peculiar fondneſs that hiſtorians mention Henry; and, in every reſpect, his merit ſeems to have been extraordinary. He had not reached his eighteenth year, and he already poſſeſſed more dignity in his behaviour, and commanded more reſpect, than his father, with all his age, learning, and experience. Neither his high fortune nor his youth had ſeduced him into any irregular pleaſures: Buſineſs and ambition ſeem to have been his ſole paſſion. His inclinations, as well as exerciſes, were martial. The French ambaſſador, taking leave of him, and aſking his commands for France, found him employed in the exerciſe of the pike: *Tell your king*, ſaid he, *in what occupation you left me engaged*[a]. He had conceived great affection and eſteem for the brave Sir Walter Raleigh. It was his ſaying, *Sure no king but my father would keep ſuch a bird in a cage*[b]. He ſeems indeed to

a The French monarch had given particular orders to his miniſters to cultivate the prince's friendſhip, who muſt ſoon, ſaid he, have chief authority in England, where the king and queen are held in ſo little eſtimation. See *Dep. de la Boderie*, vol. i. p. 402, 435. vol. ii. p. 16, 349.

b Coke's detection, p. 37.

have

have nouriſhed too violent a contempt for the king on account of his pedantry and puſillanimity; and by that means ſtruck in with the reſtleſs and martial ſpirit of the Engliſh nation. Had he lived, he had probably promoted the glory, perhaps not the felicity, of his people. The unhappy prepoſſeſſion which men commonly entertain in favour of ambition, courage, enterprize, and other warlike virtues, engages generous natures, who always love fame, into ſuch purſuits as deſtroy their own peace, and that of the reſt of mankind. CHAP. XLVII. 1612.

Violent reports were propagated, as if Henry had been carried off by poiſon; but the phyſicians, on opening his body, found no ſymptoms to confirm ſuch an opinion [c]. The bold and criminal malignity of men's tongues and pens ſpared not even the king on the occaſion. But that prince's character ſeems rather to have failed in the extreme of facility and humanity, than in that of cruelty and violence. His indulgence to Henry was great, and perhaps imprudent, by giving him a large and independent ſettlement, even in ſo early youth.

The marriage of the princeſs Elizabeth, with Frederic, Elector Palatine, was finiſhed ſome time after the death of the prince, and ſerved to diſſipate the grief which aroſe on that melancholy event. But this marriage, though celebrated with great joy and feſtivity, proved itſelf an unhappy event to the king, as well as to his ſon-in-law, and had ill conſequences on the reputation and fortunes of both. The Elector, truſting to ſo great an alliance, engaged in enterprizes beyond his ſtrength: And the king not being able to ſupport him in his diſtreſs, loſt entirely, in the end of his life, what remained of the affections and eſteem of his own ſubjects. 1613. Feb. 14. Marriage of the Princeſs Elizabeth with the Palatine.

Except during ſeſſions of parliament, the hiſtory of this reign may more properly be called the hiſtory

c Kennet, p. 690. Coke, p. 37. Welwood, p. 272.

of

CHAP. XLVII.

1613. Riſe of Somerſet.

of the court than that of the nation. An intereſting object had, for ſome years, engaged the attention of the court: It was a favourite, and one beloved by James with ſo profuſe and unlimited an affection, as left no room for any rival or competitor. About the end of the year 1609, Robert Carre, a youth of twenty years of age, and of a good family in Scotland, arrived in London, after having paſſed ſome time in his travels. All his natural accompliſhments conſiſted in good looks; all his acquired abilities, in an eaſy air and graceful demeanor. He had letters of recommendation to his countryman Lord Hay; and that nobleman no ſooner caſt his eye upon him, than he diſcovered talents ſufficient to entitle him immediately to make a great figure in the government. Apprized of the king's paſſion for youth and beauty, and exterior appearance, he ſtudied how matters might be ſo managed that this new object ſhould make the ſtrongeſt impreſſion upon him. Without mentioning him at court, he aſſigned him the office, at a match at tilting, of preſenting to the king his buckler and device; and hoped that he would attract the attention of the monarch. Fortune proved favourable to his deſign by an incident which bore at firſt a contrary aſpect. When Carre was advancing to execute his office, his unruly horſe flung him, and broke his leg in the king's preſence. James approached him with pity and concern: Love and affection aroſe on the ſight of his beauty and tender years; and the prince ordered him immediately to be lodged in the palace, and to be carefully attended. He himſelf, after the tilting, paid him a viſit in his chamber, and frequently returned during his confinement. The ignorance and ſimplicity of the boy finiſhed the conqueſt, begun by his exterior graces and accompliſhments. Other princes have been fond of chuſing their favourites from among the lower ranks of their ſubjects, and have repoſed themſelves on them

them with the more unreſerved confidence and affec- CHAP. XLVII.
tion, becauſe the object has been beholden to their 1615.
bounty for every honour and acquiſition. James was deſirous that his favourite ſhould alſo derive from him all his ſenſe, experience, and knowledge. Highly conceited of his own wiſdom, he pleaſed himſelf with the fancy, that this raw youth, by his leſſons and inſtructions, would, in a little time, be equal to his ſageſt miniſters, and be initiated into all the profound myſteries of government, on which he ſet ſo high a value. And as this kind of creation was more perfectly his own work than any other, he ſeems to have indulged an unlimited fondneſs for his minion, beyond even that which he bore to his own children. He ſoon knighted him, created him viſcount Rocheſter, gave him the garter, brought him into the privy-council, and though, at firſt, without aſſigning him any particular office, beſtowed on him the ſupreme direction of all his buſineſs and political concerns. Agreeable to this rapid advancement in confidence and honour, were the riches heaped upon the needy favourite; and while Saliſbury, and all the wiſeſt miniſters, could ſcarcely find expedients ſufficient to keep in motion the overburthened machine of government, James, with unſparing hand, loaded with treaſures this inſignificant and uſeleſs pageant[d].

It is ſaid, that the king found his pupil ſo ill educated, as to be ignorant even of the loweſt rudiments of the Latin tongue; and that the monarch, laying aſide the ſceptre, took the birch into his royal hand, and inſtructed him in the principles of grammar. During the intervals of this noble occupation, affairs of ſtate would be introduced; and the ſtripling, by the aſcendant which he had acquired, was now enabled to repay in political, what he had received in grammatical inſtruction. Such ſcenes, and ſuch incidents, are the more ridiculous, though the leſs

[d] Kennet, p. 685, 686, &c.

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odious, as the paſſion of James ſeems not to have contained in it any thing criminal or flagitious. Hiſtory charges herſelf willingly with a relation of the great crimes, and ſtill more with that of the great virtues of mankind; but ſhe appears to fall from her dignity, when neceſſitated to dwell on ſuch frivolous events and ignoble perſonages.

The favourite was not, at firſt, ſo intoxicated with advancement, as not to be ſenſible of his own ignorance and inexperience. He had recourſe to the aſſiſtance and advice of a friend; and he was more fortunate in his choice than is uſual with ſuch pampered minions. In Sir Thomas Overbury he met with a judicious and ſincere counſellor, who, building all hopes of his own preferment on that of the young favourite, endeavoured to inſtil into him the principles of prudence and diſcretion. By zealouſly ſerving every body, Carre was taught to abate the envy which might attend his ſudden elevation: By ſhewing a preference for the Engliſh, he learned to eſcape the prejudices which prevailed againſt his country. And ſo long as he was content to be ruled by Overbury's friendly counſels, he enjoyed, what is rare, the higheſt favour of the prince, without being hated by the people.

To complete the meaſure of courtly happineſs, nought was wanting but a kind miſtreſs; and where high fortune concurred with all the graces of youth and beauty, this circumſtance could not be difficult to attain. But it was here that the favourite met with that rock on which all his fortunes were wrecked, and which plunged him for ever into an abyſs of infamy, guilt, and miſery.

No ſooner had James mounted the throne of England, than he remembered his friendſhip for the unfortunate families of Howard and Devereux, who had ſuffered for their attachment to the cauſe of Mary and to his own. Having reſtored young Eſſex to his blood

CHAP. XLVII. 1613.

blood and dignity, and conferred the titles of Suffolk and Northampton on two brothers of the houſe of Norfolk, he ſought the farther pleaſure of uniting theſe families by the marriage of the earl of Eſſex with lady Frances Howard, daughter of the earl of Suffolk. She was only thirteen, he fourteen years of age; and it was thought proper, till both ſhould attain the age of puberty, that he ſhould go abroad, and paſs ſome time in his travels[e]. He returned into England after four years abſence, and was pleaſed to find his counteſs in the full luſtre of beauty, and poſſeſſed of the love and the admiration of the whole court. But when the earl approached, and claimed the privileges of a huſband, he met with nothing but ſymptoms of averſion and diſguſt, and a flat refuſal of any farther familiarities. He applied to her parents, who conſtrained her to attend him into the country, and to partake of his bed: But nothing could overcome her rigid ſullenneſs and obſtinacy; and ſhe ſtill roſe from his ſide, without having ſhared the nuptial pleaſures. Diſguſted with reiterated denials, he at laſt gave over the purſuit, and ſeparating himſelf from her, thenceforth abandoned her conduct to her own will and diſcretion.

Such coldneſs and averſion in lady Eſſex, aroſe not without an attachment to another object. The favourite had opened his addreſſes, and had been too ſucceſsful in making impreſſion on the tender heart of the young counteſs[f]. She imagined, that, ſo long as ſhe refuſed the embraces of Eſſex, ſhe never could be deemed his wife, and that a ſeparation and divorce might ſtill open the way for a new marriage with her beloved Rocheſter[g]. Though their paſſion was ſo violent, and their opportunities of intercourſe ſo frequent, that they had already indulged themſelves in all the gratifications of love, they ſtill lamented their unhappy fate, while the union between them was

e Kennet, p. 686. f Idem, p. 687. g State Trials, vol. i. p. 228.

CHAP. XLVII. 1613.

not entire and indiſſoluble. And the lover, as well as his miſtreſs, was impatient till their mutual ardour ſhould be crowned by marriage.

So momentous an affair could not be concluded without conſulting Overbury, with whom Rocheſter was accuſtomed to ſhare all his ſecrets. While that faithful friend had conſidered his patron's attachment to the counteſs of Eſſex merely as an affair of gallantry, he had favoured its progreſs; and it was partly owing to the ingenious and paſſionate letters which he dictated, that Rocheſter had met with ſuch ſucceſs in his addreſſes. Like an experienced courtier, he thought that a conqueſt of this nature would throw a luſtre on the young favourite, and would tend ſtill farther to endear him to James, who was charmed to hear of the amours of his court, and liſtened with attention to every tale of gallantry. But great was Overbury's alarm, when Rocheſter mentioned his deſign of marrying the counteſs; and he uſed every method to diſſuade his friend from ſo fooliſh an attempt. He repreſented how invidious, how difficult an enterprize to procure her a divorce from her huſband; how dangerous, how ſhameful, to take into his own bed a profligate woman, who, being married to a young nobleman of the firſt rank, had not ſcrupled to proſtitute her character, and to beſtow favours on the object of a capricious and momentary paſſion. And, in the zeal of friendſhip, he went ſo far as to threaten Rocheſter, that he would ſeparate himſelf for ever from him, if he could ſo far forget his honour and his intereſt as to proſecute the intended marriage [h].

Rocheſter had the weakneſs to reveal this converſation to the counteſs of Eſſex; and when her rage and fury broke out againſt Overbury, he had alſo the weakneſs to enter into her vindictive projects,

h State Trials, vol. i. p. 235, 236. 252. Franklyn, p. 14.

and

and to ſwear vengeance againſt his friend, for the utmoſt inſtance, which he could receive, of his faithful friendſhip. Some contrivance was neceſſary for the execution of their purpoſe. Rocheſter addreſſed himſelf to the king; and after complaining that his own indulgence to Overbury had begotten in him a degree of arrogance, which was extremely diſagreeable, he procured a commiſſion for his embaſſy to Ruſſia; which he repreſented as a retreat for his friend both profitable and honourable. When conſulted by Overbury, he earneſtly diſſuaded him from accepting this offer, and took on himſelf the office of ſatisfying the king, if he ſhould be anywiſe diſpleaſed with the refuſal[i]. To the king again he aggravated the inſolence of Overbury's conduct, and obtained a warrant for committing him to the Tower, which James intended as a ſlight puniſhment for his diſobedience. The lieutenant of the Tower was a creature of Rocheſter's, and had lately been put into the office for this very purpoſe: He confined Overbury ſo ſtrictly, that the unhappy priſoner was debarred the ſight even of his neareſt relations; and no communication of any kind was allowed with him during ſix months which he lived in priſon.

CHAP. XLVII. 1604. April 21.

This obſtacle being removed, the lovers purſued their purpoſe; and the king himſelf, forgetting the dignity of his character, and his friendſhip for the family of Eſſex, entered zealouſly into the project of procuring the Counteſs a divorce from her huſband. Eſſex alſo embraced the opportunity of ſeparating himſelf from a bad woman, by whom he was hated; and he was willing to favour their ſucceſs by any honourable expedient. The pretence for a divorce was his incapacity to fulfil the conjugal duties; and he confeſſed, that, with regard to the Counteſs, he was conſcious of ſuch an infirmity, though he was not

i State Trials, vol. i. p. 236, 237, &c.

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ſenſible of it with regard to any other woman. In her place too, it is ſaid, a young virgin was ſubſtituted under a maſk, to undergo the legal inſpection by a jury of matrons. After ſuch a trial, ſeconded by court-influence, and ſupported by the ridiculous opinion of faſcination or witchcraft, the ſentence of divorce was pronounced between the earl of Eſſex and his counteſs [k]. And, to crown the ſcene, the king, ſolicitous leſt the lady ſhould loſe any rank by her new marriage, beſtowed on his minion the title of Earl of Somerſet.

Notwithſtanding this ſucceſs, the Counteſs of Somerſet was not ſatisfied, till ſhe ſhould farther ſatiate her revenge on Overbury; and ſhe engaged her huſband, as well as her uncle, the earl of Northampton, in the atrocious deſign of taking him off ſecretly by poiſon. Fruitleſs attempts were reiterated by weak poiſons; but, at laſt, they gave him one ſo ſudden and violent, that the ſymptoms were apparent to every one who approached him [l]. His interment was hurried on with the greateſt precipitation; and, tho' a ſtrong ſuſpicion immediately prevailed in the public, the full proof of the crime was not brought to light till ſome years after.

Overbury poiſoned, 16th Sept.

The fatal cataſtrophe of Overbury increaſed or begot the ſuſpicion, that the Prince of Wales had been carried off by poiſon, given him by Somerſet. Men conſidered not that the contrary inference was much juſter. If Somerſet was ſo great a novice in this deteſtable art, that, during the courſe of five months, a man who was his priſoner, and attended by none but his emiſſaries, could not be diſpatched but in ſo bungling a manner; how could it be imagined that a young prince, living in his own court, ſurrounded by his own friends and domeſtics, could be expoſed to

k State Trials, vol. i. p. 223, 224, &c. Franklyn's Annals, p. 2, 3, &c.

l Kennet, p. 693. State Trials, vol. i. p. 233, 234, &c.

Somerſet's

Somerſet's attempts, and be taken off by ſo ſubtle a poiſon, if ſuch a one exiſt, as could elude the ſkill of the moſt experienced phyſicians? CHAP. XLVII. 1613.

The ableſt miniſter that James ever poſſeſſed, the earl of Saliſbury, was dead [m]: Suffolk, a man of ſlender capacity, had ſucceeded him in his office: And it was now his taſk to ſupply, from an exhauſted treaſury, the profuſion of James and of his young favourite. The title of baronet, invented by Saliſbury, was ſold; and two hundred patents of that ſpecies of knighthood, were diſpoſed of for ſo many thouſand pounds. Each rank of nobility had alſo its price affixed to it [n]: Privy ſeals were circulated to the amount of 200,000 pounds: Benevolences were exacted to the amount of 52,000 pounds [o]: And ſome monopolies of no great value were erected. But all theſe expedients proved inſufficient to ſupply the king's neceſſities, even though he began to enter into ſome ſchemes for retrenching his expences [p]. However ſmall the hopes of ſucceſs, a new parliament muſt be ſummoned, and this dangerous expedient, for ſuch it was now become, once more be put to trial.

When the commons were aſſembled, they diſcovered an extraordinary alarm, on account of the rumour which was ſpread abroad concerning *undertakers* [q]. It was reported, that ſeveral perſons attached to the king had entered into a confederacy; and having laid a regular plan for the new elections, had diſtributed their intereſt all over England, and had undertaken to ſecure a majority for the court. So ignorant were the commons, that they knew not this incident to be the firſt infallible ſymptom of any regular or eſtabliſhed liberty. Had they been contented to follow the maxims of their predeceſſors, who, 1614. 5th April. A parliament.

m 14th of May 1612.
n Franklyn, p. 11. 33.
o Idem, p. 10.
p Idem, p. 49.
q Parliam. Hiſt. vol. v. p. 286. Kennet, p. 696. Journ. 12 April, 2d May 1614, &c. Franklyn, p. 48.

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as the earl of Salisbury said to the last parliament, never but thrice in six hundred years, refused a supply [r]; they needed not dread that the crown should ever interest itself in their elections. Formerly, the kings even insisted, that none of their household should be elected members; and, though the charter was afterwards declared void, Henry VI. from his great favour to the city of York, conferred a peculiar privilege on its citizens, that they should be exempted from this trouble [s]. It is well known, that, in ancient times, a seat in the house being considered as a burden, attended neither with honour nor profit, it was requisite for the counties and boroughs to pay fees to their representatives. About this time, a seat began to be regarded as an honour, and the country gentlemen contended for it; though the practice of levying wages for the parliament men was not altogether discontinued. It was not till long after, when liberty was thoroughly established, and popular assemblies entered into every branch of public business, that the members began to join profit to honour, and the crown found it necessary to distribute among them all the considerable offices of the kingdom.

So little skill or so small means had the courtiers, in James's reign, for managing elections, that this house of commons showed rather a stronger spirit of liberty than the foregoing; and instead of entering upon the business of supply, as urged by the king, who made them several liberal offers of grace [t], they

r Journ. 27 Feb. 1609. It appears, however, that Salisbury was somewhat mistaken in this fact: And if the kings were not oftener refused supply by the parliament, it was only because they would not often expose themselves to the hazard of being refused: But it is certain that English parliaments did anciently carry their frugality to an extreme, and seldom could be prevailed upon to give the necessary support to government.

s Coke's Institutes, part 4. chap. i. of charters of exemption.

t Journ. 11 April 1614.

imme-

immediately resumed the subject, which had been opened last parliament, and disputed his majesty's power of levying new customs and impositions, by the mere authority of his prerogative. It is remarkable, that, in their debates on this subject, the courtiers frequently pleaded, as a precedent, the example of all the other hereditary monarchs in Europe, and particularly mentioned the kings of France and Spain; nor was this reasoning received by the house either with surprise or indignation [u]. The members of the opposite party either contented themselves with denying the justness of the inference, or they disputed the truth of the observation [x]. And a patriot member in particular, Sir Roger Owen, even in arguing against the impositions, frankly allowed, that the king of England was endowed with as ample a power and prerogative as any prince in Christendom [y]. The nations on the continent, we may observe, enjoyed still, in that age, some small remains of liberty; and the English were possessed of little more. CHAR. XLVII. 1614.

The commons applied to the lords for a conference with regard to the new impositions. A speech of Neile, bishop of Lincoln, reflecting on the lower house, begat some altercation with the peers [z]; and the king seized the opportunity of dissolving immediately, with great indignation, a parliament which had shown so firm a resolution of retrenching his prerogative, without communicating, in return, the smallest supply to his necessities. He carried his resentment so far as even to throw into prison some of the members, who had been the most forward in their opposition to his measures [a]. In vain did he plead, in excuse for this violence, the example of Elizabeth and other princes of the line of Tudor, as well as Plantagenet. The people and the parliament, with- 6th June.

u Journ. 21 May 1614.
x Journ. 12, 21 May 1614.
y Journ. 18 April 1614.
z See note [H] at the end of the volume.
a Kennet, p. 696.

out

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out abandoning for ever all their liberties and privileges, could acquiesce in none of these precedents, how ancient and frequent soever. And, were the authority of such precedents admitted, the utmost that could be inferred is, that the constitution of England was, at that time, an inconsistent fabric, whose jarring and discordant parts must soon destroy each other, and from the dissolution of the old, beget some new form of civil government more uniform and consistent.

In the public and avowed conduct of the king and the house of commons, throughout this whole reign, there appears sufficient cause of quarrel and mutual disgust; yet are we not to imagine, that this was the sole foundation of that jealousy which prevailed between them. During debates in the house, it often happened, that a particular member, more ardent and zealous than the rest, would display the highest sentiments of liberty, which the commons contented themselves to hear with silence and seeming approbation; and the king, informed of these harangues, concluded the whole house to be infected with the same principles, and to be engaged in a combination against his prerogative. The king, on the other hand, though he valued himself extremely on his king-craft, and perhaps was not altogether incapable of dissimulation, seems to have been very little endowed with the gift of secrecy, but openly, at his table, in all companies, inculcated those monarchical tenets which he had so strongly imbibed. Before a numerous audience, he had expressed himself with great disparagement of the common law of England, and had given the preference, in the strongest terms, to the civil law; and for this indiscretion he found himself obliged to apologize, in a speech to the former parliament [b]. As a specimen of his usual liberty of talk, we may mention a story, though it passed

[b] K. James's Works, p. 532.

some

ſome time after, which we meet with in the life of Waller, and which that poet uſed frequently to repeat. When Waller was young, he had the curioſity to go to court; and he ſtood in the circle, and ſaw James dine; where, among other company, there ſat at table two biſhops, Neile and Andrews. The king propoſed aloud this queſtion, Whether he might not take his ſubjects money, when he needed it, without all this formality of parliament? Neile replied, *God forbid you ſhould not: For you are the breath of our noſtrils.* Andrews declined anſwering, and ſaid, he was not ſkilled in parliamentary caſes: But, upon the king's urging him, and ſaying he would admit of no evaſion, the biſhop replied pleaſantly, *Why then I think your Majeſty may lawfully take my brother Neile's money: For he offers it*[c]. CHAR. XLVII. 1614.

The favourite had hitherto eſcaped the enquiry of juſtice; but he had not eſcaped that ſtill voice which can make itſelf be heard amidſt all the hurry and flattery of a court, and aſtoniſhes the criminal with a juſt repreſentation of his moſt ſecret enormities. Conſcious of the murder of his friend, Somerſet received ſmall conſolation from the enjoyments of love, or the utmoſt kindneſs and indulgence of the ſovereign. The graces of his youth gradually diſappeared; the gaiety of his manners was obſcured; his politeneſs and obliging behaviour were changed into ſullenneſs and ſilence. And the king, whoſe affections had been engaged by theſe ſuperficial accompliſhments, began to eſtrange himſelf from a man who no longer contributed to his amuſement. 1615. Somerſet's fall.

The ſagacious courtiers obſerved the firſt ſymptoms of this diſguſt: Somerſet's enemies ſeized the opportunity, and offered a new minion to the king. George Villiers, a youth of one-and-twenty, younger brother

c Preface to Waller's Works.

of

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of a good family, returned at this time from his travels, and was remarked for the advantages of a handsome person, genteel air, and fashionable apparel. At a comedy, he was purposely placed full in James's eye, and immediately engaged the attention and, in the same instant, the affections of that monarch [d]. Ashamed of his sudden attachment, the king endeavoured, but in vain, to conceal the partiality which he felt for the handsome stranger; and he employed all his profound politics to fix him in his service, without seeming to desire it. He declared his resolution not to confer any office on him, unless entreated by the queen; and he pretended, that it should only be in complaisance to her choice he would agree to admit him near his person. The queen was immediately applied to; but she, well knowing the extreme to which the king carried these attachments, refused, at first, to lend her countenance to this new passion. It was not till entreated by Abbot, archbishop of Canterbury, a decent prelate, and one much prejudiced against Somerset, that she would condescend to oblige her husband, by asking this favour of him [e]. And the king, thinking now that all appearances were fully saved, no longer constrained his affection, but immediately bestowed the office of cup-bearer on young Villiers.

The whole court was thrown into parties between the two minions; while some endeavoured to advance the rising fortunes of Villiers, others deemed it safer to adhere to the established credit of Somerset. The king himself, divided between inclination and decorum, encreased the doubt and ambiguity of the courtiers; and the stern jealousy of the old favourite, who refused every advance of friendship from his rival, begat perpetual quarrels between their several partizans. But the discovery of Somer-

d Franklyn, p. 50. Kennet, vol. ii. p. 698.

e Coke, p. 46, 47. Rush. vol. i. p. 456.

set's

ſet's guilt in the murder of Overbury, at laſt decided the controverſy, and expoſed him to the ruin and infamy which he ſo well merited. CHAP. XLVII. 1615.

An apothecary's 'prentice, who had been employed in making up the poiſons, having retired to Flushing, began to talk very freely of the whole ſecret; and the affair at laſt came to the ears of Trumbal, the king's envoy in the Low Countries. By his means, Sir Ralph Winwood, ſecretary of ſtate, was informed; and he immediately carried the intelligence to James. The king, alarmed and aſtoniſhed to find ſuch enormous guilt in a man whom he had admitted into his boſom, ſent for Sir Edward Coke, chief juſtice, and earneſtly recommended to him the moſt rigorous and unbiaſſed ſcrutiny. This injunction was executed with great induſtry and ſeverity: The whole labyrinth of guilt was carefully unravelled: The leſſer criminals, Sir Jervis Elves, lieutenant of the Tower, Franklin, Weſton, Mrs Turner, were firſt tried and condemned: Somerſet and his counteſs were afterwards found guilty: Northampton's death, a little before, had ſaved him from a like fate.

It may not be unworthy of remark, that Coke, in the trial of Mrs Turner, told her, that ſhe was guilty of the ſeven deedly ſins: She was a whore, a bawd, a ſorcerer, a witch, a papiſt, a felon, and a murderer [f]. And, what may more ſurpriſe us, Bacon, then attorney-general, took care to obſerve, that poiſoning was a Popiſh trick [g]. Such were the bigoted prejudices which prevailed: Poiſoning was not, of itſelf, ſufficiently odious, if it were not repreſented as a branch of Popery. Stowe tells us, that when the king came to Newcaſtle, on his firſt entry into England, he gave liberty to all the priſoners, except thoſe who were confined for treaſon, murder, and *Papiſtry*. When one conſiders theſe cir-

f State Trials, vol. i. p. 230.

g Ibid. vol. i. p. 242.

cumſtances,

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cumſtances, that furious bigotry of the Catholics which broke out in the gownpowder conſpiracy, appears the leſs ſurpriſing.

All the accomplices in Overbury's murder received the puniſhment due to their crime: But the king beſtowed a pardon on the principals, Somerſet and the counteſs. It muſt be confeſſed, that James's fortitude had been highly laudable, had he perſiſted in his firſt intention of conſigning over to ſevere juſtice all the criminals: But let us ſtill beware of blaming him too harſhly, if, on the approach of the fatal hour, he ſcrupled to deliver into the hands of the executioner, perſons whom he had once favoured with his moſt tender affections. To ſoften the rigour of their fate, after ſome years impriſonment, he reſtored them to their liberty, and conferred on them a penſion, with which they retired, and languiſhed out old age in infamy and obſcurity. Their guilty loves were turned into the moſt deadly hatred; and they paſſed many years together in the ſame houſe, without any intercourſe or correſpondence with each other [h].

Several hiſtorians [i], in relating theſe events, have inſiſted much on the diſſimulation of James's behaviour, when he delivered Somerſet into the hands of the chief juſtice; on the inſolent menaces of that criminal; on his peremptory refuſal to ſtand a trial; and on the extreme anxiety of the king during the whole progreſs of this affair. Allowing all theſe circumſtances to be true, of which ſome are ſuſpicious, if not probably falſe [k], the great remains of tenderneſs which James ſtill felt for Somerſet, may, perhaps, be ſufficient to account for them. That favourite was high-ſpirited, and reſolute rather to periſh than live under the infamy to which he was expoſed. James was ſenſible, that the pardoning of ſo great a

h Kennet, p. 699.
i Coke, Weldon, &c.
k See Biog. Brit. article Coke, p. 1384.

criminal,

criminal, which was of itſelf invidious, would become ſtill more unpopular, if his obſtinate and ſtubborn behaviour on his trial ſhould augment the public hatred againſt him[l]. At leaſt, the unreſerved confidence in which the king had indulged his favourite for ſeveral years, might render Somerſet maſter of ſo many ſecrets, that it is impoſſible, without farther light, to aſſign the particular reaſon of that ſuperiority which, it is ſaid, he appeared ſo much to aſſume.

Riſe of Buckingham.

The fall of Somerſet, and his baniſhment from court, opened the way for Villiers to mount up at once to the full height of favour, of honours, and of riches. Had James's paſſion been governed by common rules of prudence, the office of cup-bearer would have attached Villiers to his perſon, and might well have contented one of his age and family; nor would any one, who was not cynically auſtere, have much cenſured the ſingularity of the king's choice in his friends and favourites. But ſuch advancement was far inferior to the fortune which he intended for his minion. In the courſe of a few years, he created him Viſcount Villiers, Earl, Marquis, and Duke of Buckingham, knight of the garter, maſter of the horſe, chief juſtice in Eyre, warden of the cinque ports, maſter of the king's-bench office, ſteward of Weſtminſter, conſtable of Windſor, and lord high admiral of England[m]. His mother obtained the title of Counteſs of Buckingham: His brother was created Viſcount Purbeck; and a numerous train of needy relations were all puſhed up into credit and authority. And thus the fond prince, while he meant to play the tutor to his favourite, and to train him up in the rules of prudence and politics, took an infallible method, by loading him with prema-

l Bacon, vol. iv. p. 617.
m Franklyn, p. 30. Clarendon, 8vo edit. vol. i. p. 10.

ture

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ture and exorbitant honours, to render him, for ever, rash, precipitate, and insolent.

1616. A young minion to gratify with pleasure, a necessitous family to supply with riches, were enterprises too great for the empty exchequer of James. In order to obtain a little money, the cautionary towns must be delivered up to the Dutch; a measure which has been severely blamed by almost all historians; and I may venture to affirm, that it has been censured much beyond its real weight and importance.

When Queen Elizabeth advanced money for the support of the infant republic, besides the view of securing herself against the power and ambition of Spain, she still reserved the prospect of reimbursement; and she got consigned into her hands the three important fortresses of Flushing, the Brille, and Rammekins, as pledges for the money due to her. Indulgent to the necessitous condition of the states, she agreed that the debt should bear no interest; and she stipulated, that if ever England should make a separate peace with Spain, she should pay the troops which garrisoned these fortresses[n].

Cautionary towns delivered.

After the truce was concluded between Spain and the United Provinces, the States made an agreement with the king, that the debt, which then amounted to 800,000 pounds, should be discharged by yearly payments of 40,000 pounds; and as five years had elapsed, the debt was now reduced to 600,000 pounds; and in fifteen years more, if the truce were renewed, it would be finally extinguished[o]. But of this sum, 26,000 pounds a-year were expended on the pay of the garrisons: The remainder alone accrued to the king: And the States, weighing these

n Rymer, tom. xvi. p. 341. Winwood, vol. ii. p. 351.

o Sir Dudley Carleton's Letters, p. 27, 28.

circumstances,

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circumſtances, thought, that they made James a very advantageous offer, when they expreſſed their willingneſs, on the ſurrender of the cautionary towns, to pay him immediately 250,000 pounds, and to incorporate the Engliſh garriſons in their army. It occurred alſo to the king, that even the payment of the 40,000 pounds a-year was precarious, and depended on the accident that the truce ſhould be renewed between Spain and the Republic. If war broke out, the maintenance of the garriſons lay upon England alone; a burden very uſeleſs and too heavy for the ſlender revenues of that kingdom: That even during the truce, the Dutch, ſtraitened by other expences, were far from being regular in their payments; and the garriſons were at preſent in danger of mutinying for want of ſubſiſtence: That the annual ſum of 14,000 pounds, the whole ſaving on the Dutch payments, amounted, in fifteen years, to no more than 210,000 pounds, whereas 250,000 pounds were offered immediately, a larger ſum; and if money be computed at ten *per cent.* the current intereſt, more than double the ſum to which England was entitled [p]: That if James waited till the whole debt were diſcharged, the troops, which compoſed the garriſons, remained a burden upon him, and could not be broken, without receiving ſome conſideration for their paſt ſervices: That the cautionary towns were only a temporary reſtraint upon the Hollanders; and, in the preſent emergence, the conjunction of intereſt between England and the Republic was ſo intimate as to render all other ties ſuperfluous; and no reaſonable meaſures for mutual ſupport would be wanting from the Dutch, even though

p An annuity of 14,000 pounds during fifteen years, money being at 10 *per cent.* is worth, on computation, only 106,500 pounds, whereas the king received 250,000: Yet the bargain was good for the Dutch, as well as the king; becauſe they were both of them freed from the maintenance of uſeleſs garriſons.

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freed from the dependence of these garrisons: That the exchequer of the Republic was at present very low, insomuch that they found difficulty, now that the aids of France were withdrawn, to maintain themselves in that posture of defence which was requisite during the truce with Spain; and that the Spaniards were perpetually insisting with the king on the restitution of these towns, as belonging to their crown; and no cordial alliance could ever be made with that nation, while they remained in the hands of the English [q]. These reasons, together with his urgent wants, induced the king to accept of Caron's offer; and he evacuated the cautionary towns, which held the States in a degree of subjection, and which an ambitious and enterprising prince would have regarded as his most valuable possessions. This is the date of the full liberty of the Dutch commonwealth.

6th June.

1617. Affairs of Scotland.

When the crown of England devolved on James, it might have been foreseen by the Scottish nation, that the independence of their kingdom, the object for which their ancestors had shed so much blood, would now be lost; and that, if both states persevered in maintaining separate laws and parliaments, the weaker would more sensibly feel the subjection, than if it had been totally subdued by force of arms. But these views did not generally occur. The glory of having given a sovereign to their powerful enemy, the advantages of present peace and tranquillity, the riches acquired from the munificence of their master; these considerations secured their dutiful obedience to a prince who daily gave such sensible proofs of his friendship and partiality towards them. Never had the authority of any king, who resided among them,

[q] Rushworth, vol. i. p. 3.

been

been so firmly established as was that of James, even when absent; and as the administration had been hitherto conducted with great order and tranquillity, there had happened no occurrence to draw thither our attention. But, this summer, the king was resolved to pay a visit to his native country, in order to renew his ancient friendships and connections, and to introduce that change of ecclesiastical discipline and government, on which he was extremely intent. The three chief points of this kind, which James proposed to accomplish by his journey to Scotland, were the enlarging of Episcopal authority, the establishing of a few ceremonies in public worship, and the fixing of a superiority in the civil above the ecclesiastical jurisdiction.

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But it is an observation, suggested by all history, and by none more than by that of James and his successor, that the religious spirit, when it mingles with faction, contains in it something supernatural and unaccountable; and that, in its operations upon society, effects correspond less to their known causes than is found in any other circumstance of government. A reflection which may at once afford a source of blame against such sovereigns as lightly innovate in so dangerous an article; and of apology for such, as being engaged in an enterprise of that nature, are disappointed of the expected event, and fail in their undertakings.

When the Scottish nation was first seized with that zeal for reformation, which, though it caused such disturbance during the time, has proved so salutary in the consequences, the preachers, assuming a character little inferior to the prophetic or apostolical, disdained all subjection to the spiritual rulers of the church, by whom their innovations were punished and opposed. The revenues of the dignified clergy,

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1617. no longer considered as sacred, were either appropriated by the present possessors, or seized by the more powerful barons; and what remained, after mighty dilapidations, was, by act of parliament, annexed to the crown. The prelates, however, and abbots, maintained their temporal jurisdictions and their seats in parliament; and though laymen were sometimes endowed with ecclesiastical titles, the church, notwithstanding its frequent protestations to the contrary, was still supposed to be represented by those spiritual lords, in the states of the kingdom. After many struggles, the king, even before his accession to the throne of England, had acquired sufficient influence over the Scottish clergy, to extort from them an acknowledgment of the parliamentary jurisdiction of bishops, though attended with many precautions, in order to secure themselves against the spiritual encroachments of that order [o]. When king of England, he engaged them, though still with great reluctance on their part, to advance a step farther, and to receive the bishops as perpetual presidents or moderators in their ecclesiastical synods; reiterating their protestations against all spiritual jurisdiction of the prelates, and all controuling power over the presbyters [p]. And, by such gradual innovations, the king flattered himself, that he should quietly introduce Episcopal authority: But, as his final scope was fully seen from the beginning, every new advance gave fresh occasion of discontent, and aggravated, instead of softening, the abhorrence entertained against the Prelacy.

What rendered the king's aim more apparent were the endeavours, which, at the same time, he used to introduce into Scotland some of the ceremonies of the Church of England. The rest, it was easily foreseen, would soon follow. The fire of devo-

[o] 1508. [p] 1606.

tion,

tion, excited by novelty, and inflamed by opposition, had so possessed the minds of the Scottish reformers, that all rites and ornaments, and even order of worship, were disdainfully rejected as useless burdens; retarding the imagination in its rapturous ecstasies, and cramping the operations of that Divine Spirit by which they supposed themselves to be animated. A mode of worship was established, the most naked and most simple imaginable; one that borrowed nothing from the senses; but reposed itself entirely on the contemplation of that Divine Essence which discovers itself to the understanding only. This species of devotion, so worthy of the Supreme Being, but so little suitable to human frailty, was observed to occasion great disturbances in the breast, and in many respects to confound all rational principles of conduct and behaviour. The mind, straining for these extraordinary raptures, reaching them by short glances, sinking again under its own weakness, rejecting all exterior aid of pomp and ceremony, was so occupied in this inward life, that it fled from every intercourse of society, and from every cheerful amusement, which could soften or humanise the character. It was obvious to all discerning eyes, and had not escaped the king's, that, by the prevalence of fanaticism, a gloomy and sullen disposition established itself among the people; a spirit, obstinate and dangerous, independent and disorderly; animated equally with a contempt of authority, and a hatred to every other mode of religion, particularly to the Catholic. In order to mellow these humours, James endeavoured to infuse a small tincture of ceremony into the national worship, and to introduce such rites as might, in some degree, occupy the mind, and please the senses, without departing too far from that simplicity by which the reformation was distinguished. The finer arts too, though still rude in those northern kingdoms, were employed

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to adorn the churches; and the king's chapel, in which an organ was erected, and ſome pictures and ſtatues diſplayed, was propoſed as a model to the reſt of the nation. But muſic was grating to the prejudiced ears of the Scottiſh clergy; ſculpture and painting appeared inſtruments of idolatory; the ſurpliçe was a rag of Popery; and every motion or geſture, preſcribed by the liturgy, was a ſtep towards that ſpiritual Babylon ſo much the object of their horror and averſion. Every thing was deemed impious, but their own myſtical comments on the Scriptures, which they idolized, and whoſe eaſtern prophetic ſtyle they employed in every common occurrence.

It will not be neceſſary to give a particular account of the ceremonies which the king was ſo intent to eſtabliſh. Such inſtitutions, for a time, are eſteemed either too divine to have proceeded from any other being than the Supreme Creator of the univerſe, or too diabolical to have been derived from any but an infernal demon. But no ſooner is the mode of the controverſy paſt, than they are univerſally diſcovered to be of ſo little importance, as ſcarcely to be mentioned with decency amidſt the ordinary courſe of human tranſactions. It ſuffices here to remark, that the rites introduced by James regarded the kneeling at the ſacrament, private communion, private baptiſm, confirmation of children, and the obſervance of Chriſtmas and other feſtivals [q]. The acts, eſtabliſhing theſe ceremonies, were afterwards known by the name of the articles of Perth, from the place where they were ratified by the aſſembly.

A conformity of diſcipline and worſhip between the churches of England and Scotland, which was James's aim, he never could hope to eſtabliſh, but

q Franklyn, p. 25. Spotſwood.

by

by firſt procuring an acknowledgment to his own authority in all ſpiritual cauſes; and nothing could be more contrary to the practice as well as principles of the Preſbyterian clergy. The eccleſiaſtical courts poſſeſſed the power of pronouncing excommunication: and that ſentence, beſides the ſpiritual conſequences ſuppoſed to follow from it, was attended with immediate effects of the moſt important nature. The perſon excommunicated was ſhunned by every one as profane and impious; and his whole eſtate, during his life-time, and all his moveables, for ever, were forfeited to the crown. Nor were the previous ſteps, requiſite before pronouncing this ſentence, formal or regular, in proportion to the weight of it. Without accuſer, without ſummons, without trial, any eccleſiaſtical court, however inferior, ſometimes pretended, in a ſummary manner, to denounce excommunication, for any cauſe, and againſt any perſon, even though he lived not within the bounds of their juriſdiction [r]. And, by this means, the whole tyranny of the inquiſition, though without its order, was introduced into the kingdom. CHAP. XLVII. 1617.

But the clergy were not content with the unlimited juriſdiction which they exerciſed in eccleſiaſtical matters: They aſſumed a cenſorial power over every part of adminiſtration; and, in all their ſermons, and even prayers, mingling politics with religion, they inculcated the moſt ſeditious and moſt turbulent principles. Black, miniſter of St Andrews, went ſo far [s], in a ſermon, as to pronounce all king's the devil's children. He gave the queen of England the appellation of Athieſt: He ſaid, that the treachery of the king's heart was now fully diſcovered; and in his prayers for the queen he uſed theſe words; *We muſt pray for her for the faſhion's ſake, but we have*

r Spotſwood. s 1596.

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no cauſe: She will never do us any good. When ſummoned before the privy-council, he refuſed to anſwer to a civil court for any thing delivered from the pulpit, even though the crime of which he was accuſed was of a civil nature. The church adopted his cauſe. They raiſed a ſedition in Edinburgh [t].—The king, during ſome time, was in the hands of the enraged populace; and it was not without courage, as well as dexterity, that he was able to extricate himſelf [u]. A few days after, a miniſter, preaching in the principal church of that capital, ſaid, that the king was poſſeſſed with a devil; and, that one devil being expelled, ſeven worſe had entered in his place [x]. To which he added, that the ſubjects might lawfully riſe, and take the ſword out of his hand. Scarcely, even during the darkeſt night of papal ſuperſtition, are there found ſuch inſtances of prieſtly encroachments, as the annals of Scotland preſent to us during that period.

By theſe extravagant ſtretches of power, and by the patient conduct of James, the church began to loſe ground, even before the king's acceſſion to the throne of England: But no ſooner had that event taken place, than he made the Scottiſh clergy ſenſible, that he was become the ſovereign of a great kingdom, which he governed with great authority. Though formerly he would have thought himſelf happy to have made a fair partition with them of the civil and eccleſiaſtical authority, he was now reſolved to exert a ſupreme juriſdiction in church as well as ſtate, and to put an end to their ſeditious practices. An aſſembly had been ſummoned at Aberdeen [y]; but, on account of his journey to London, he prorogued it to the year following. Some of the clergy, diſa-

t 17th Dec. 1596.
u Spotſwood.
x Ibid.
y July 1604.

vowing

vowing his eccleſiaſtical ſupremacy, met at the time CHAP. XLVII.
firſt appointed, notwithſtanding his prohibition. He threw them into priſon. Such of them as ſubmitted, and acknowledged their error, were pardoned. The reſt were brought to their trial. They were condemned for high treaſon. The king gave them their lives; but baniſhed them the kingdom. Six of them ſuffered this penalty [z]. 1617.

The general aſſembly was afterwards induced [a] to acknowledge the king's authority in ſummoning eccleſiaſtical courts, and to ſubmit to the juriſdiction and viſitation of the biſhops. Even their favourite ſentence of excommunication was declared invalid, unleſs confirmed by the ordinary. The king recommended to the inferior courts the members whom they ſhould elect to this aſſembly; and every thing was conducted in it with little appearance of choice and liberty [b].

By his own prerogative likewiſe, which he ſeems to have ſtretched on this occaſion, the king erected a court of high commiſſion [c], in imitation of that which was eſtabliſhed in England. The biſhops and a few of the clergy, who had been ſummoned, willingly acknowledged this court; and it proceeded immediately upon buſineſs, as if its authority had been grounded on the full conſent of the whole legiſlature.

But James reſerved the final blow for the time when he ſhould himſelf pay a viſit to Scotland. He propoſed to the parliament, which was then aſſembled, that they ſhould enact, that, "whatever his "majeſty ſhould determine in the external govern- "ment of the church, with the conſent of the arch- "biſhops, biſhops, and a competent number of the 13th June.

z Spotſwood.
a 6th June, 1610.
b Spotſwood.
c 15th Feb. 1610.

"miniſtry,

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"miniſtry, ſhould have the force of law[d]." What number ſhould be deemed competent was not determined: And their nomination was left entirely to the king: So that his eccleſiaſtical authority, had this bill paſſed, would have been eſtabliſhed in its full extent. Some of the clergy proteſted. They apprehended, they ſaid, that the purity of their church would, by means of this new authority, be polluted with all the rites and liturgy of the church of England. James, dreading clamour and oppoſition, dropped the bill, which had already paſſed the lords of articles; and aſſerted, that the inherent prerogative of the crown contained more power than was recognized by it. Some time after, he called, at St Andrews, a meeting of the biſhops and thirty-ſix of the moſt eminent clergy. He there declared his reſolution of exerting his prerogative, and of eſtabliſhing, by his own authority, the few ceremonies which he had recommended to them. They entreated him rather to ſummon a general aſſembly, and to gain their aſſent. An aſſembly was accordingly ſummoned to meet on the 25th of November enſuing.

20th July.

Yet this aſſembly, which met after the king's departure from Scotland, eluded all his applications; and it was not till the ſubſequent year that he was able to procure a vote for receiving his ceremonies. And through every ſtep in this affair, in the parliament, as well as in all the general aſſemblies, the nation betrayed the utmoſt reluctance to all theſe innovations; and nothing but James's importunity and authority had extorted a ſeeming conſent, which was belied by the inward ſentiments of all ranks of people. Even the few over whom religious prejudices were not prevalent, thought national honour ſacrificed by a ſervile imitation of the modes of wor-

[d] Spotſwood. Franklyn, p. 29.

ſhip

ſhip practiſed in England. And every prudent man agreed in condemning the meaſures of the king, who, by an ill-timed zeal for inſignificant ceremonies, had betrayed, though in an oppoſite manner, equal narrowneſs of mind with the perſons whom he treated with ſuch contempt. It was judged, that, had not theſe dangerous humours been irritated by oppoſition; had they been allowed peaceably to evaporate; they would at laſt have ſubſided within the limits of law and civil authority: And that, as all fanatical religions naturally circumſcribe to very narrow bounds the numbers and riches of the eccleſiaſtics, no ſooner is their firſt fire ſpent, than they loſe their credit over the people, and leave them under the natural and beneficent influence of their civil and moral obligations.

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At the ſame time that James ſhocked, in ſo violent a manner, the religious principles of his Scottiſh ſubjects, he acted in oppoſition to thoſe of his Engliſh. He had obſerved, in his progreſs through England, that a judaical obſervance of the Sunday, chiefly by means of the puritans, was every day gaining ground throughout the kingdom, and that the people, under colour of religion, were, contrary to former practice, debarred ſuch ſports and recreations as contributed both to their health and their amuſement[f]. Feſtivals, which, in other nations and ages, are partly dedicated to public worſhip, partly to mirth and ſociety, were here totally appropriated to the offices of religion, and ſerved to nouriſh thoſe ſullen and gloomy contemplations to which the people were, of themſelves, ſo unfortunately ſubject. The king imagined, that it would be eaſy to infuſe cheerfulneſs into this dark ſpirit of devotion. He iſſued a proclamation to allow and encourage, after divine ſervice, all kinds of lawful games and exerciſes;

[f] Kennet, p. 799.

and,

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and, by his authority, he endeavoured to give sanction to a practice which his subjects regarded as the utmost instance of profaneness and impiety [s].

[s] Franklyn, p. 31. To shew how rigid the English, chiefly the puritans, were become in this particular, a bill was introduced into the house of commons in the 18th of the king, for the more strict observance of the Sunday, which they affected to call the Sabbath. One Shepherd opposed this bill, objected to the appellation of Sabbath as puritanical, defended dancing by the example of David, and seems even to have justified sports on that day. For this profaneness he was expelled the house, by the suggestion of Mr Pym. The house of Lords opposed so far this puritanical spirit of the commons, that they proposed, that the appellation of *Sabbath* should be changed into that of the *Lord's Day*. Journ. 25. 16 Feb. 1620. 28 May 1621. In Shepherd's sentence, his offence is said by the house to be great, exorbitant, unparelleled.

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Sir Walter Raleigh's expedition——His execution——Inſurrections in Bohemia——Loſs of the Palatinate——Negociations with Spain——A parliament——Parties——Fall of Bacon——Rupture between the king and the commons——Proteſtation of the commons.

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1618. Sir Walter Raleigh's expedition.

AT the time when Sir Walter Raleigh was firſt confined in the Tower, his violent and haughty temper had rendered him the moſt unpopular man in England; and his condemnation was chiefly owing to that public odium under which he laboured. During the thirteen years impriſonment which he ſuffered, the ſentiments of the nation were much changed with regard to him. Men had leiſure to reflect on the hardſhip, not to ſay injuſtice, of his ſentence; they pitied his active and enterpriſing ſpirit, which languiſhed in the rigours of confinement; they were ſtruck with the extenſive genius of the man, who, being educated amidſt naval and military enterprizes, had ſurpaſſed, in the purſuits of literature, even thoſe of the moſt recluſe and ſedentary lives; and they admired his unbroken magnanimity, which, at his age and under his circumſtances, could engage him to undertake and execute ſo great a work as his Hiſtory of the World. To increaſe theſe favourable diſpoſitions, on which he built the hopes of recovering his liberty, he ſpread the report of a golden mine, which he had diſcovered in Guiana, and which was ſufficient, according to his repreſentation, not only to enrich all the adventurers, but to afford immenſe treaſures to the nation. The king gave little credit

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to theſe mighty promiſes; both becauſe he believed that no ſuch mine as the one deſcribed was any where in nature, and becauſe he conſidered Raleigh as a man of deſperate fortunes, whoſe buſineſs it was, by any means, to procure his freedom, and to reinſtate himſelf in credit and authority. Thinking, however, that he had already undergone ſufficient puniſhment, he releaſed him from the Tower; and when his vaunts of the golden mine had induced multitudes to engage with him, the king gave them permiſſion to try the adventure, and, at their deſire, he conferred on Raleigh authority over his fellow-adventurers. Though ſtrongly ſolicited, he ſtill refuſed to grant him a pardon, which ſeemed a natural conſequence when he was intruſted with power and command. But James declared himſelf ſtill diffident of Raleigh's intentions; and he meant, he ſaid, to reſerve the former ſentence, as a check upon his future behaviour.

Raleigh well knew that it was far from the king's purpoſe to invade any of the Spaniſh ſettlements: He therefore firmly denied that Spain had planted any colonies on that part of the coaſt where his mine lay. When Gondomar, the ambaſſador of that nation, alarmed at his preparations, carried complaints to the king, Raleigh ſtill proteſted the innocence of his intentions. And James aſſured Gondomar, that he durſt not form any hoſtile attempt, but ſhould pay with his head for ſo audacious an enterprize. The miniſter, however, concluding that twelve armed veſſels were not fitted out without ſome purpoſe of invaſion, conveyed the intelligence to the court of Madrid, who immediately gave orders for arming and fortifying all their ſettlements, particularly thoſe along the coaſt of Guiana.

When the courage and avarice of the Spaniards and Portugueſe had diſcovered ſo many new worlds, they

they were resolved to shew themselves superior to the barbarous heathens whom they invaded, not only in arts and arms, but also in the justice of the quarrel. They applied to Alexander VI. who then filled the papal chair; and he generously bestowed on the Spaniards the whole western, and on the Portuguese the whole eastern, part of the globe. The more scrupulous Protestants, who acknowledged not the authority of the Roman pontiff, established the first discovery as the foundation of *their* title; and if a pirate, or sea-adventurer of their nation, had but erected a stick or stone on the coast, as a memorial of his taking possession, they concluded the whole continent to belong to them, and thought themselves entitled to expel or exterminate, as usupers, the ancient possessors and inhabitants. It was in this manner that Sir Walter Raleigh, about twenty-three years before, had acquired to the crown of England a claim to the continent of Guiana, a region as large as the half of Europe; and though he had immediately left the coast, yet he pretended that the English title to the whole remained certain and indefeasible. But it had happened in the mean time, that the Spaniards, not knowing, or not acknowledging this imaginary claim, had taken possession of a part of Guiana, had formed a settlement on the river Oroonoko, had built a little town called St Thomas, and were there working some mines of small value. CHAP. XLVIII. 1618.

To this place Raleigh directly bent his course; and, remaining himself at the mouth of the river with five of the largest ships, he sent up the rest to St Thomas, under the command of his son, and of Captain Keymis, a person entirely devoted to him. The Spaniards, who had expected this invasion, fired on the English at their landing, were repulsed, and pursued into the town. Young Raleigh, to encourage his men, called out, *That this was the true mine, and none but fools looked for any other;* and advancing upon

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on the Spaniards, received a ſhot, of which he immediately expired. This diſmayed not Keymis and the others: They carried on the attack; got poſſeſſion of the town, which they afterwards reduced to aſhes; and found not in it any thing of value.

Raleigh did not pretend that he had himſelf ſeen the mine, which he had engaged ſo many people to go in queſt of: It was Keymis, he ſaid, who had formerly diſcovered it, and had brought him that lump of ore, which promiſed ſuch immenſe treaſures. Yet Keymis, who owned that he was within two hours march of the place, refuſed, on the moſt abſurd pretences, to take any effectual ſtep towards finding it; and he returned immediately to Raleigh with the melancholy news of his ſon's death, and the ill ſucceſs of the enterprize. Senſible to reproach, and dreading puniſhment for his behaviour, Keymis, in deſpair, retired into his cabin, and put an end to his own life.

The other adventurers now concluded, that they were deceived by Raleigh; that he never had known of any ſuch mine as he pretended to go in ſearch of; that his intention had ever been to plunder St Thomas; and having encouraged his company by the ſpoils of that place to have thence proceeded to the invaſion of the other Spaniſh ſettlements; that he expected to repair his ruined fortunes by ſuch daring enterprizes; and that he truſted to the money he ſhould acquire, for making his peace with England; or if that view failed him, that he purpoſed to retire into ſome other country, where his riches would ſecure his retreat.

The ſmall acquiſition gained by the ſack of St Thomas, diſcouraged Raleigh's companions from entering into theſe views; though there were many circumſtances in the treaty and late tranſactions between

tween the nations, which might invite them to engage in ſuch a piratical war againſt the Spaniards. CHAP. XLVIII. 1618.

When England made peace with Spain, the example of Henry IV. was imitated, who, at the treaty of Vervins, finding a difficulty in adjuſting all queſtions with regard to the Indian trade, had agreed to paſs over that article in total ſilence. The Spaniards having, all along, publiſhed ſevere edicts againſt the intercourſe of any European nation with their colonies, interpreted this ſilence in their own favour, and conſidered it as a tacit acquieſcence of England in the eſtabliſhed laws of Spain. The Engliſh, on the contrary, pretended, that, as they had never been excluded by any treaty from commerce with any part of the king of Spain's dominions, it was ſtill as lawful for them to trade with his ſettlements in either Indies, as with his European territories. In conſequence of this ambiguity, many adventurers from England ſailed to the Spaniſh Indies, and met with ſevere puniſhment when caught; as they, on the other hand, often ſtole, and, when ſuperior in power, forced a trade with the inhabitants, and reſiſted, nay ſometimes plundered, the Spainiſh governors. Violences of this nature, which had been carried to a great height on both ſides, it was agreed to bury in total oblivion, becauſe of the difficulty which was found in remedying them, upon any fixed principles.

But as there appeared a great difference between private adventurers in ſingle ſhips, and a fleet acting under a royal commiſſion, Raleigh's companions thought it ſafeſt to return immediately to England, and carry him along with them to anſwer for his conduct. It appears that he employed many artifices, firſt to engage them to attack the Spaniſh ſettlements, and, failing of that, to make his eſcape into France: But all theſe proving unſucceſsful, he was delivered into the king's hands, and ſtrictly examined, as well

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as his fellow-adventurers, before the privy-council. The council, upon enquiry, found no difficulty in pronouncing, that the former ſuſpicions, with regard to Raleigh's intentions, had been well grounded; that he had abuſed the king in the repreſentations which he had made of his projected adventure; that, contrary to his intentions, he had acted in an offenſive and hoſtile manner againſt his Majeſty's allies; and that he had wilfully burned and deſtroyed a town belonging to the king of Spain. He might have been tried, either by common law for this act of violence and piracy, or by martial law for breach of orders: But it was an eſtabliſhed principle among lawyers[g], that as he lay under an actual attainder for high treaſon, he could not be brought to a new trial for any other crime. To ſatisfy, therefore, the court of Spain, which raiſed the loudeſt complaints againſt him, the king made uſe of that power which he had purpoſely reſerved in his own hands, and ſigned the warrant for his execution upon his former ſentence[h].

Raleigh, finding his fate inevitable, collected all his courage: And though he had formerly made uſe of many mean artifices, ſuch as feigning madneſs, ſickneſs, and a variety of diſeaſes, in order to protract his examination, and procure his eſcape, he now reſolved to act his part with bravery and reſolution. *'Tis a ſharp remedy*, he ſaid, *but a ſure one for all ills*, when he felt the edge of the ax by which he was to be beheaded[i]. His harangue to the people was calm and eloquent; and he endeavoured to revenge himſelf, and to load his enemies with the public hatred, by ſtrong aſſeverations of facts which, to ſay the leaſt, may be eſteemed very doubtful[k]. With the utmoſt

g See this matter diſcuſſed in Bacon's Letter, publiſhed by Dr Birch, p. 181.

h See note [I] at the end of the volume.

i Franklyn, p. 32.

k He aſſerted in the moſt ſolemn manner, that he had no wiſe contributed to Eſſex's death: But the laſt letter in Murden's Collection contains the ſtrongeſt proof of the contrary.

indifference,

indifference, he laid his head upon the block, and received the fatal blow. And in his death there appeared the ſame great, but ill-regulated mind which during his life had diſplayed itſelf in all his conduct and behaviour.

CHAP. XLVIII. 1618. 29th Oct. Raleigh's execution.

No meaſure of James's reign was attended with more public diſſatisfaction than the puniſhment of Sir Walter Raleigh. To execute a ſentence which was originally ſo hard, which had been ſo long ſuſpended, and which ſeemed to have been tacitly pardoned, by conferring on him a new truſt and commiſſion, was deemed an inſtance of cruelty and injuſtice. To ſacrifice, to a concealed enemy of England, the life of the only man in the nation who had a high reputation for valour and military experience, was regarded as meanneſs and indiſcretion: And the intimate connections which the king was now entering into with Spain, being univerſally diſtaſteful, rendered this proof of his compliance ſtill more invidious and unpopular.

James had entertained an opinion, which was peculiar to himſelf, and which had been adopted by none of his predeceſſors, that any alliance below that of a great king, was unworthy of a prince of Wales; and he never would allow any princeſs but a daughter of France or Spain to be mentioned as a match for his ſon[1]. This inſtance of pride, which really implies meanneſs, as if he could receive honour from any alliance, was ſo well known, that Spain had founded on it the hopes of governing, in the moſt important tranſactions, this monarch, ſo little celebrated for politics or prudence. During the life of Henry, the king of Spain had dropped ſome hints of beſtowing on that prince his eldeſt daughter, whom he afterwards diſpoſed of in marriage to the young king of France, Lewis XIII. At that time the views of

1 Kennet, p. 703. 748.

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the Spaniards were to engage James into a neutrality with regard to the ſucceſſion of Cleves, which was diſputed between the proteſtant and popiſh line [m]. But the bait did not then take; and James, in conſequence of his alliance with the Dutch, and with Henry IV. of France, marched [n] 4000 men, under the command of Sir Edward Cecil, who joined theſe two powers, and put the marquis of Brandenburgh and the palatine of Newbourg in poſſeſſion of that dutchy.

Gondomar was, at this time, the Spaniſh ambaſſador in England; a man whoſe flattery was the more artful, becauſe covered with the appearance of frankneſs and ſincerity; whoſe politics were the more dangerous, becauſe diſguiſed under the maſk of mirth and pleaſantry. He now made offer of the ſecond daughter of Spain to Prince Charles; and, that he might render the temptation irreſiſtible to the neceſſitous monarch, he gave hopes of an immenſe fortune, which ſhould attend the princeſs. The court of Spain, though determined to contract no alliance with a heretic [o], entered into negociations with James, which they artfully protracted, and, amidſt every diſappointment, they ſtill redoubled his hopes of ſucceſs [p]. The tranſactions in Germany, ſo important to the Auſtrian greatneſs, became every day a new motive for this duplicity of conduct.

Inſurrections in Bohemia.

In that great revolution of manners which happened during the ſixteenth and the ſeventeenth centuries, the only nations who had the honourable, though often melancholy advantage, of making an effort for their expiring privileges, were ſuch as, together with the principles of civil liberty, were animated with a zeal for religious parties and opinions. Beſides the irreſiſtible force of ſtanding armies, the European princes poſſeſſed this advantage, that they were de-

m Ruſhworth, vol. i. p. 2. n. 1610.

o La Boderie, vol ii. p. 30.

p Franklyn, p. 71.

ſcended

ſcended from the ancient royal families; that they continued the ſame appellations of magiſtrates, the ſame appearance of civil government; and reſtraining themſelves by all the forms of legal adminiſtration, could inſenſibly impoſe the yoke on their unguarded ſubjects. Even the German nations, who formerly broke the Roman chains, and reſtored liberty to mankind, now loſt their own liberty, and ſaw with grief the abſolute authority of their princes firmly eſtabliſhed among them. In their circumſtances, nothing but a pious zeal, which diſregards all motives of human prudence, could have made them entertain hopes of preſerving any longer thoſe privileges which their anceſtors, through ſo many ages, had tranſmitted to them. CHAP. XLVIII. 1618.

As the houſe of Auſtria, throughout all her extenſive dominions, had ever made religion the pretence for her uſurpations, ſhe now met with reſiſtance from a like principle; and the Catholic religion, as uſual, had ranged itſelf on the ſide of monarchy; the Proteſtant, on that of liberty. The ſtates of Bohemia having taken arms againſt the Emperor Matthias, continued their revolt againſt his ſucceſſor Ferdinand, and claimed the obſervance of all the edicts enacted in favour of the new religion, together with the reſtoration of their ancient laws and conſtitution. The neighbouring principalities, Sileſia, Moravia, Luſatia, Auſtria, even the kingdom of Hungary, took part in the quarrel; and throughout all theſe populous and martial provinces, the ſpirit of diſcord and civil war had univerſally diffuſed itſelf [q].

Ferdinand II. who poſſeſſed more vigour and greater abilities, though not more lenity and moderation than are uſual with the Auſtrian princes, ſtrongly armed himſelf for the recovery of his authority; 1619.

q Ruſhworth, vol. i. p. 7, 8.

CHAP. 1619.

and beſides employing the aſſiſtance of his ſubjects, who profeſſed the ancient religion, he engaged on his ſide a powerful alliance of the neighbouring potentates. All the Catholic princes of the empire had embraced his defence; even Saxony, the moſt powerful of the Proteſtant: Poland had declared itſelf in his favour[r]; and above all, the Spaniſh monarch, deeming his own intereſt cloſely connected with that of the younger branch of his family, prepared powerful ſuccours from Italy, and from the Low Countries; and he alſo advanced large ſums for the ſupport of Ferdinand and of the Catholic religion.

The ſtates of Bohemia, alarmed at theſe mighty preparations, began alſo to ſolicit foreign aſſiſtance; and together with that ſupport which they obtained from the evangelical union in Germany, they endeavoured to eſtabliſh connections with greater princes. They caſt their eyes on Frederick, elector Palatine. They conſidered, that beſides commanding no deſpicable force of his own, he was ſon-in-law to the king of England, and nephew to Prince Maurice, whoſe authority was become almoſt abſolute in the United Provinces. They hoped that theſe princes, moved by the connections of blood, as well as by the tie of their common religion, would intereſt themſelves in all the fortunes of Frederick, and would promote his greatneſs. They, therefore, made him a tender of their crown, which they conſidered as elective; and the young Palatine, ſtimulated by ambition, without conſulting either James[s] or Maurice, whoſe oppoſition he foreſaw, immediately accepted the offer, and marched all his forces into Bohemia, in ſupport of his new ſubjects.

The news of theſe events no ſooner reached England, than the whole kingdom was on fire to engage in the quarrel. Scarcely was the ardour greater

[r] Ruſhworth, vol. i. p. 13, 14. [s] Franklyn, p. 49.

with

with which all the ſtates of Europe, in former ages, flew to reſcue the holy land from the dominion of infidels. The nation was as yet ſincerely attached to the blood of their monarchs, and they conſidered their connexion with the Palatine, who had married a daughter of England, as very cloſe and intimate. And when they heard of Catholics carrying on wars and perſecutions againſt Proteſtants, they thought their own intereſt deeply concerned, and regarded their neutrality as a baſe deſertion of the cauſe of God and of his holy religion. In ſuch a quarrel they would gladly have marched to the oppoſite extremity of Europe, have plunged themſelves into a chaos of German politics, and have expended all the blood and treaſure of the nation, by maintaining a conteſt with the whole houſe of Auſtria, at the very time, and in the very place in which it was the moſt potent and almoſt irreſiſtible.

CHAP. XLVIII. 1619.

But James, beſides that his temper was too little enterprizing for ſuch vaſt undertakings, was reſtrained by another motive, which had a mighty influence over him: He refuſed to patronize the revolt of ſubjects againſt their ſovereign. From the very firſt he denied to his ſon-in-law the title of King of Bohemia[t]: He forbade him to be prayed for in the churches under that appellation: And though he owned that he had nowiſe examined the pretenſions, privileges, and conſtitution of the revolted ſtates[u], ſo exalted was his idea of the rights of kings, that he concluded ſubjects muſt ever be in the wrong, when they ſtood in oppoſition to thoſe who had acquired or aſſumed that majeſtic title. Thus, even in meaſures founded on true politics, James intermixed ſo many narrow prejudices as diminiſhed his authority, and expoſed him to the imputation of weakneſs and of error.

t Ruſhworth, vol. i. p. 12, 13.

u Franklyn, p. 48.

CHAP. XLVIII. 1620.

Meanwhile, affairs every where haſtened to a criſis. Ferdinand levied a great force, under the command of the duke of Bavaria and the count of Bucquoy; and advanced upon his enemy in Bohemia. In the Low-Countries, Spinola collected a veteran army of thirty thouſand men. When Edmonds, the king's reſident at Bruſſels, made remonſtrances to the Archduke Albert, he was anſwered, that the orders for this armament had been tranſmitted to Spinola from Madrid, and that he alone knew the ſecret deſtination of it. Spinola again told the miniſter, that his orders were ſtill ſealed; but if Edmonds would accompany him in his march to Coblentz, he would there open them, and give him full ſatisfaction [w]. It was more eaſy to ſee his intentions than to prevent their ſucceſs. Almoſt at one time it was known in England, that Frederick, being defeated in the great and deciſive battle of Prague, had fled with his family into Holland, and that Spinola had invaded the Palatinate, and meeting with no reſiſtance, except from ſome princes of the union, and from one Engliſh regiment of 2400 men, commanded by the brave Sir Horace Vere [x], had in a little time reduced the greater part of that principality.

Loſs of the Palatinate.

High were now the murmurs and complaints againſt the king's neutrality and unactive diſpoſition. The happineſs and tranquillity of their own country became diſtaſteful to the Engliſh, when they reflected on the grievances and diſtreſſes of their Proteſtant brethren in Germany. They conſidered not, that their interpoſition in the wars of the continent, tho' agreeable to religious zeal, could not at that time be juſtified by any ſound maxims of politics; that however exorbitant the Auſtrian greatneſs, the danger was ſtill too diſtant to give any juſt alarm to England; that mighty reſiſtance would yet be made by

w Franklyn, p. 44. Ruſhworth, vol. i. p. 14.

x Ibid. p. 42, 43. Ruſhworth, vol. i. p. 15. Kennet, p. 723.

ſo

so many potent and warlike princes and states in Germany, ere they would yield their neck to the yoke; that France, now engaged to contract a double alliance with the Austrian family, must necessarily be soon rouzed from her lethargy, and oppose the progress of so hated a rival; that in the farther advance of conquests, even the interests of the two branches of that ambitious family must interfere, and beget mutual jealousy and opposition; that a land-war, carried on at such a distance, would waste the blood and treasure of the English nation, without any hopes of success; that a sea-war, indeed, might be both safe and successful against Spain, but would not affect the enemy in such vital parts as to make them stop their career of success in Germany, and abandon all their acquisitions; and that the prospect of recovering the Palatinate being at present desperate, the affair was reduced to this simple question, whether peace and commerce with Spain, or the uncertain hopes of plunder and of conquest in the Indies, were preferable? a question which, at the beginning of the king's reign, had already been decided, and perhaps with reason, in favour of the former advantages. CHAP. XLVIII. 1620.

James might have defended his pacific measures by such plausible arguments: But these, though the chief, seem not to have been the sole motives which swayed him. He had entertained the notion, that, as his own justice and moderation had shone out so conspicuously throughout all these transactions, the whole house of Austria, though not awed by the power England, would willingly, from mere respect to his virtue, submit themselves to so equitable an arbitration. He flattered himself that, after he had formed an intimate connexion with the Spanish monarch, by means of his son's mrrriage, the restitution of the Palatinate might be procured, from the motive alone of friendship and personal attachment. He perceived Negociations with Spain.

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CHAP. XLVIII. 1620.

ved not, that his unactive virtue, the more it was extolled, the greater disregard was it exposed to. He was not sensible that the Spanish match was itself attended with such difficulties, that all his art of negociation would scarcely be able to surmount them; much less, that this match could in good policy be depended on, as the means of procuring such extraordinary advantages. His unwarlike disposition, encreased by age, rivetted him still faster in his errors, and determined him to seek the restoration of his son-in-law, by remonstrances and entreaties, by arguments and embassies, rather than by blood and violence. And the same defect of courage which held him in awe of foreign nations, made him likewise afraid of shocking the prejudices of his own subjects, and kept him from openly avowing the measures which he was determined to pursue. Or, perhaps, he hoped to turn these prejudices to account; and, by their means, engage his people to furnish him with supplies, of which their excessive frugality had hitherto made them so sparing and reserved [y].

A parliament.

He first tried the expedient of a benevolence or free-gift from individuals; pretending the urgency of the case, which would not admit of leisure for any other measure: But the jealousy of liberty was now rouzed, and the nation regarded these pretended benevolences as real extortions, contrary to law, and dangerous to freedom, however authorised by ancient precedent. A parliament was found to be the only resource which could furnish any large supplies; and writs were accordingly issued for summoning that great council of the nation [z].

1621. 16th June.

In this parliament, there appeared, at first, nothing but duty and submission on the part of the commons;

y Franklyn, p. 47. Rushworth, vol. i. z See note [K] at the end of the volume.

and

and they seemed determined to sacrifice every thing, in order to maintain a good correspondence with their prince. They would allow no mention to be made of the new customs or impositions, which had been so eagerly disputed in the former parliament [a]: The imprisonment of the members of that parliament was here, by some, complained of; but, by the authority of the graver and more prudent part of the house, that grievance was buried in oblivion [b]: And being informed, that the king had remitted several considerable sums to the Palatine, the commons, without a negative, voted him two subsidies [c]; and that too, at the very beginning of the session, contrary to the maxims frequently adopted by their predecessors. CHAP. XLVIII. 1621.

Afterwards, they proceeded, but in a very temperate manner, to the examination of grievances. They found, that patents had been granted to Sir Giles Mompesson and Sir Francis Michel, for licensing inns and ale-houses; that great sums of money had been exacted, under pretext of these licenses; and that such inn-keepers as presumed to continue their business, without satisfying the rapacity of the patentees, had been severely punished by fine, imprisonment, and vexatious prosecutions.

The same persons had also procured a patent, which they shared with Sir Edward Villiers, brother to Buckingham, for the sole making of gold and silver thread and lace, and had obtained very extraordinary powers for preventing any rivalship in these manufactures: They were armed with authority to search for all goods, which might interfere with their patent; and even to punish, at their own will and discretion, the makers, importers, and venders of such commodities. Many had grievously suffered by this exorbitant jurisdiction; and the lace,

a Journ. 5 Dec. 1621.
b Journ. 12. 16 Feb. 1620.
c Journ. 16 Feb. 1620.

which

CHAP. XLVIII. 1612.

which had been manufactured by the patentees, was univerſally found to be adulterated, and to be compoſed more of copper than of the precious metals.

Theſe grievances the commons repreſented to the king; and they met with a very gracious and very cordial reception. He ſeemed even thankful for the information given him; and declared himſelf aſhamed, that ſuch abuſes, unknowingly to him, had crept into his adminiſtration. "I aſſure you," ſaid he, "had I before heard theſe things complained of, I would have done the office of a juſt king, and out of parliament have puniſhed them as ſeverely, and peradventure more, than you now intend to do [d]." A ſentence was paſſed for the puniſhment of Michel and Mompeſſon [e]. It was executed on the former. The latter broke priſon and eſcaped. Villiers was, at that time, ſent purpoſely on a foreign employment; and his guilt being leſs enormous, or leſs apparent, than that of the others, he was the more eaſily protected by the credit of his brother Buckingham [f].

Bacon's fall.

Encouraged by this ſucceſs, the commons carried their ſcrutiny, and ſtill with a reſpectful hand, into other abuſes of importance. The great ſeal was, at that time, in the hands of the celebrated Bacon, created Viſcount St Albans; a man univerſally admired for the greatneſs of his genius, and beloved for the courteouſneſs and humanity of his behaviour. He

d Franklyn, p. 51. Ruſhworth, p. 25.

e Franklyn, p. 52. Ruſhworth, vol. i. p. 27.

f Yelverton, the attorney-general, was accuſed by the commons for drawing the patents for theſe monopolies, and for ſupporting them. He apologized for himſelf, that he was forced by Buckingham, and that he ſuppoſed it to be the king's pleaſure. The lords were ſo offended at theſe articles of defence, though neceſſary to the attorney-general, that they fined him 10,000 pounds to the king, 5000 to the duke. The fines, however, were afterwards remitted. Franklyn, p. 55. Ruſhworth, vol. i. p. 31, 32, &c.

was

was the great ornament of his age and nation; and nought was wanting to render him the ornament of human nature itſelf, but that ſtrength of mind which might check his intemperate deſire of preferment, that could add nothing to his dignity, and might reſtrain his profuſe inclination to expence, that could be requiſite neither for his honour nor entertainment. His want of œconomy, and his indulgence to ſervants, had involved him in neceſſities; and, in order to ſupply his prodigality, he had been tempted to take bribes, by the title of preſents, and that in a very open manner, from ſuitors in chancery. It appears, that it had been uſual for fromer chancellors to take preſents; and it is pretended, that Bacon, who followed the ſame dangerous practice, had ſtill, in the ſeat of juſtice, preſerved the integrity of a judge, and had given juſt decrees againſt thoſe very perſons from whom he had received the wages of iniquity. Complaints roſe the louder on that account, and at laſt reached the houſe of commons, who ſent up an impeachment againſt him to the peers. The chancellor, conſcious of guilt, deprecated the vengeance of his judges, and endeavoured, by a general avowal, to eſcape the confuſion of a ſtricter enquiry. The lords inſiſted on a particular confeſſion of all his corruptions. He acknowledged twenty-eight articles; and was ſentenced to pay a fine of 40,000 pounds, to be impriſoned in the Tower during the king's pleaſure, to be forever incapable of any office, place, or employment, and never again to ſit in parliament, or come within the verge of the court.

CHAP. XLVIII. 1621.

This dreadful ſentence, dreadful to a man of nice ſenſibility to honour, he ſurvived five years; and, being releaſed in a little time from the Tower, his genius, yet unbroken, ſupported itſelf amidſt involved circumſtances and a depreſſed ſpirit, and ſhone out in literary productions, which have made his guilt or weakneſſes be forgotten or overlooked by poſte-

rity.

CHAP. XLVIII. 1621.

rity. In consideration of his great merit, the king remitted his fine, as well as all the other parts of his sentence, conferred on him a large pension of 1800 pounds a-year, and employed every expedient to alleviate the weight of his age and misfortunes. And that great philosopher, at last acknowledged with regret, that he had too long neglected the true ambition of a fine genius; and, by plunging into business and affairs, which require much less capacity, but greater firmness of mind, than the pursuits of learning, had exposed himself to such grievous calamities[g].

The commons had entertained the idea, that they were the great patrons of the people, and that the redress of all grievances must proceed from them; and to this principal they were chiefly beholden for the regard and consideration of the public. In the execution of this office, they now kept their ears open to complaints of every kind; and they carried their researches into many grievances, which, though of no great importance, could not be touched on, without sensibly affecting the king and his ministers. The prerogative seemed every moment to be invaded; the kings authority, in every article, was disputed; and James, who was willing to correct the abuses of his power, would not submit to have his power itself questioned and denied. After the house, therefore, had sitten near six months, and had, as yet, brought no considerable business to a full conclusion, the king resolved, under pretence of the advanced season, to interrupt their proceedings; and he sent them word, that he was determined, in a little time, to adjourn them till next winter. The commons made

g It is thought, that appeals from chancery to the house of peers first came into practice while Bacon held the great seal. Appeals, under the form of *writs of error*, had long before lain against the courts of law. Blackstone's Commentary, vol. iii. p. 454.

appliation

application to the lords, and desired them to join in a petition for delaying the adjournment; which was refused by the upper house. The king regarded this project of a joint petition as an attempt to force him from his measures: He thanked the peers for their refusal to concur in it, and told them, that, if it were their desire, he would delay the adjournment, but would not so far comply with the request of the lower house [h]. And thus, in these great national affairs, the same peevishness which, in private altercations, often raises a quarrel from the smallest beginnings, produced a natural coldness and disgust between the king and the commons.

CHAP. XLVIII. 1621.

Rupture between the king and the commons.

During the recess of parliament, the king used every measure to render himself popular with the nation, and to appose the rising ill-humour of their representatives. He had voluntarily offered the parliament to circumscribe his own prerogative, and to abrogate for the future his power of granting monopolies. He now recalled all the patents of that kind, and redressed every article of grievance, to the number of thirty-seven, which had ever been complained of in the house of commons [i]. But he gained not the end which he proposed. The disgust, which had appeared at parting, could not so suddenly be dispelled. He had likewise been so imprudent as to commit to prison Sir Edwin Sandys [k], without any known cause, besides his activity and vigour in discharging his duty as member of parliament. And, above all, the transactions in Germany were sufficient, when joined to the king's cautions, negociations, and delays, to inflame that jealousy of honour and religion which prevailed throughout the nation [l]. This summer, the ban

h Rushworth, vol. i. p. 35.
i Ibid. vol. i. p. 36. Kennet, p. 733.
k Journ. 1 Dec. 1621.
l To show to what degree the nation was enflamed with regard to the Palatinate, there occurs a remarkable story this session. One Floyd, a prisoner in the Fleet, a Catholic, had dropped some expressions, in private conversation, as if he were pleased with the misfortunes of the Palatine and his wife. The commons were in a

CHAP. XLVIII. 1621.

ban of the empire had been publiſhed againſt the elector Palatine; and the execution of it was committed to the duke of Bavaria[m] The Upper Palatinate was, in a little time, conquered by that prince; and meaſures were taking in the empire for beſtowing on him the electoral dignity, of which the Palatine was deſpoiled. Frederic now lived with his numerous family, in poverty and diſtreſs, either in Holland or at Sedan, with his uncle the duke of Bouillon. And throughout all the new conqueſts, in both the Palatinates, as well as in Bohemia, Auſtria, and Luſatia, the progreſs of the Auſtrian arms was attended with rigours and ſeverities, exerciſed againſt the profeſſors of the reformed religion.

14th Nov.

The zeal of the commons immediately moved them, upon their aſſembling, to take all theſe tranſactions into conſideration. They framed a remonſtrance, which they intended to carry to the king. They repreſented, that the enormous growth of the Auſtrian power threatened the liberties of Europe; that the progreſs of the Catholic religion in England bred the moſt melancholy apprehenſions, leſt it ſhould again acquire an aſcendant in the kingdom; that the indulgence of his majeſty towards the profeſſors of that religion had encouraged their inſolence and temerity; that the uncontrouled conqueſts, made by the Auſtrian family in Germany, raiſed mighty expectations in the Engliſh Papiſts; but above all, that the proſpect of the Spaniſh match elevated them ſo far as to

a flame; and pretending to be a court of judicature and of record, proceeded to condemn him to a ſevere puniſhment. The houſe of lords checked this encroachment; and, what was extraordinary, conſidering the preſent humour of the lower houſe, the latter acquieſced in the ſentiments of the peers. This is almoſt the only pretenſion of the Engliſh commons, in which they have not prevailed. Happily for the nation, they have been ſucceſsful in almoſt all the other claims. See Parliamentary Hiſtory, vol. v. p. 428. 429, &c. Journ. 4. 8. 12 May, 1621.

m Franklyn, p. 73.

hope

hope for an entire toleration, if not the final re-eſtabliſhment of their religion. The commons, therefore, entreated his majeſty, that he would immediately undertake the defence of the Palatine, and maintain it by force of arms; that he would turn his ſword againſt Spain, whoſe armies and treaſures were the chief ſupport of the Catholic intereſt in Europe; that he would enter into no negociation for the marriage of his ſon but with a Proteſtant princeſs; that the children of Popiſh recuſants ſhould be taken from their parents, and be committed to the care of Proteſtant teachers and ſchoolmaſters; and that the fines and confiſcations to which the Catholics were by law liable, ſhould be levied with the utmoſt ſeverity [n].

By this *bold* ſtep, unprecedented in England for many years, and ſcarcely ever heard of in peaceable times, the commons attacked at once all the king's favourite maxims of government; his cautious and pacific meaſures, his lenity towards the Romiſh religion, and his attachment to the Spaniſh alliance, from which he promiſed himſelf ſuch mighty advantages. But what moſt diſguſted him was, their ſeeming invaſion of his prerogative, and their pretending, under colour of advice, to direct his conduct in ſuch points, as had ever been acknowledged to belong ſolely to the management and direction of the ſovereign. He was, at that time, abſent at Newmarket; but as ſoon as he heard of the intended remonſtrance of the commons, he wrote a letter to the ſpeaker, in which he ſharply rebuked the houſe for openly debating matters far above their reach and capacity, and he ſtrictly forbade them to meddle with any thing that regarded his government, or deep matters of ſtate, and eſpecially not to touch on his ſon's marriage with the daughter of Spain, nor to attack the honour of that king, or any other of his friends and

[n] Franklyn, p. 58, 59. Ruſhworth, vol. i. p. 40, 41. Kennet, p. 737.

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confederates. In order the more to intimidate them, he mentioned the impriſonment of Sir Edwin Sandys; and though he denied that the confinement of that member had been owing to any offence committed in the houſe, he plainly told them, that he thought himſelf fully entitled to puniſh every miſdemeanor in parliament, as well during its ſitting as after its diſſolution; and that he intended thenceforward to chaſtiſe any man, whoſe inſolent behaviour there ſhould miniſter occaſion of offence [o].

This *violent* letter, in which the king, though he reimitated former precedents, may be thought not to have acted altogether on the defenſive, had the effect which might naturally have been expected from it: The commons were inflamed, not terrified. Secure of their own popularity, and of the bent of the nation towards a war with the Catholics abroad, and the perſecution of Popery at home, they little dreaded the menaces of a prince, who was unſupported by military force, and whoſe gentle temper would, of itſelf, ſo ſoon diſarm his ſeverity. In a new remonſtrance, therefore, they ſtill inſiſted on their former remonſtrance and advice; and they maintained, though in reſpectful terms, that they were entitled to interpoſe with their counſel in all matters of government; that, to poſſeſs entire freedom of ſpeech, in their debates on public buſineſs, was their ancient and undoubted right, and an inheritance tranſmitted to them from their anceſtors; and that if any member abuſed this liberty, it belonged to the houſe alone, who were witneſſes of his offence, to inflict a proper cenſure upon him [p].

So *vigorous* an anſwer was nowiſe calculated to appeaſe the king. It is ſaid, when the approach of

[o] Franklyn, p. 60. Ruſhworth, vol. i p. 43. Kennet, p. 741.

[p] Franklyn, p. 60. Ruſhworth, vol. i. p. 44. Kennet, p. 741.

the

the committee who were to preſent it was notified to him, he ordered twelve chairs to be brought: For that there were ſo many kings a coming[q]. His anſwer was prompt and ſharp. He told the houſe, that their remonſtrance was more like a denunciation of war than an addreſs of dutiful ſubjects; that their pretenſion to enquire into all ſtate affairs, without exception, was ſuch a *plenipotence* as none of their anceſtors, even during the reign of the weakeſt princes, had ever pretended to; that public tranſactions depended on a complication of views and intelligence with which they were entirely unacquainted; that they could not better ſhow their wiſdom, as well as duty, than by keeping within their proper[r] ſphere; and that, in any buſineſs which depended on his prerogative, they had no title to interpoſe with their advice, except when he was pleaſed to deſire it.—And he concluded with theſe memorable words:—*And though we cannot allow of your ſtile, in mentioning your ancient and undoubted right and inheritance, but would rather have wiſhed that ye had ſaid, that your privileges were derived from the grace and permiſſion of our anceſtors and us, (for the moſt of them grew from precedents, which ſhews rather a toleration than inheritance;) yet we are pleaſed to give you our royal aſſurance, that as long as you contain yourſelves within the limits of your duty, we will be as careful to maintain and preſerve your lawful liberties and privileges as ever any of our predeceſſors were, nay, as to preſerve our own royal prerogative*[s].

This open pretenſion of the king's naturally gave great alarm to the houſe of commons. They ſaw their title to every privilege, if not plainly denied, yet conſidered at leaſt as precarious. It might be forfeited by abuſe, and they had already abuſed it.

q Kennet, p. 43.

r *Ne ſutor ultra crepidam.* This expreſſion is imagined to be inſolent and diſobliging: But it was a Latin proverb familiarly uſed on all occaſions.

s Franklyn, p. 62, 63, 64. Ruſhworth, vol. i. p. 46, 47, &c. Kennet, p. 743.

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They thought proper, therefore, immediately to oppoſe pretenſion to pretenſion. They framed a proteſtation, in which they repeated all their former claims for freedom of ſpeech, and an unbounded authority to interpoſe with their advice and counſel. And they aſſerted, *That the liberties, franchiſes, privileges, and juriſdictions of parliament, are the ancient and undoubted birth-right and inheritance of the ſubjects of England* [t].

Proteſtation of the commons.

The king, informed of theſe encreaſing heats and jealouſies in the houſe, hurried to town. He ſent immediately for the journals of the commons; and, with his own hand, before the council, he tore out this proteſtation [u]; and ordered his reaſons to be inſerted in the council-book. He was doubly diſpleaſed, he ſaid, with the proteſtation of the lower-houſe, on account of the manner of framing it, as well as of the matter which it contained. It was tumultuouſly voted, at a late hour, and in a thin houſe; and it was expreſſed in ſuch general and ambiguous terms, as might ſerve for a foundation to the moſt enormous claims, and to the moſt unwarrantable uſurpations upon his prerogative [w].

The meeting of the houſe might have proved dangerous after ſo violent a breach. It was no longer poſſible, while men were in ſuch a temper, to finiſh any buſineſs. The king, therefore, prorogued the parliament, and ſoon after diſſolved it by proclamation; in which he alſo made an apology to the public for his whole conduct.

The leading members of the houſe, Sir Edward Coke and Sir Robert Philips, were committed to the Tower; Selden, Pym, and Mallory, to other priſons [x]. As a lighter puniſhment, Sir Dudley Digges, Sir Thomas Crew, Sir Nathaniel Rich, Sir James

t See note [L.] at the end of the volume.

u Journ. 18th Dec. 1621.

w Franklyn, p. 65.

x Franklyn, p. 66. Ruſhworth, vol. i. p. 55.

Perrot,

Perrot, joined on commiſſion with others, were ſent to Ireland, in order to execute ſome buſineſs [y]. The king at that time enjoyed, at leaſt exerciſed, the prerogative of employing any man, even without his conſent, in any branch of public ſervice. CHAP. XLVIII. 1621.

Sir John Saville, a powerful man in the houſe of commons, and a zealous opponent of the court, was made comptroller of the houſehold, a privy counſellor, and ſoon after a baron [z]. This event is memorable, as being the firſt inſtance, perhaps, in the whole hiſtory of England, of any king's advancing a man on account of parliamentary intereſt, and of oppoſition to his meaſures. However irregular this practice, it will be regarded by political reaſoners, as one of the moſt early and moſt infallible ſymptoms of a regular eſtabliſhed liberty.

The king having thus, with ſo raſh and indiſcreet a hand, torn off that ſacred veil which had hitherto covered the Engliſh conſtitution, and which threw an obſcurity upon it, ſo advantageous to royal prerogative, every man began to indulge himſelf in political reaſonings and enquiries; and the ſame factions which commenced in parliament were propagated throughout the nation. In vain did James, by reiterated proclamations, forbid the diſcourſing of ſtate affairs [a]. Such proclamations, if they had any effect, ſerved rather to inflame the curioſity of the public. And, in every company or ſociety, the late tranſactions became the ſubject of argument and debate.

All hiſtory, ſaid the partizans of the court, as well as the hiſtory of England, juſtify the king's poſition with regard to the origin of popular privileges;

y Franklyn, p. 66. Ruſhworth, vol. i. p. 55.

z Kennet, p. 749.

a Franklyn, p. 56. Ruſhworth, vol. i. p. 21. 36. 55. The king alſo, in imitation of his predeceſſors, gave rules to preachers. Franklyn, p. 70. The pulpit was at that time much more dangerous than the preſs. Few people could read, and ſtill fewer were in the practice of reading.

CHAP. XLVIII. 1621.

and every reaſonable man muſt allow, that, as monarchy is the moſt ſimple form of government, it muſt firſt have occurred to rude and uninſtructed mankind. The other complicated and artificial additions were the ſucceſſive invention of ſovereigns and legiſlators; or, if they were obtruded on the prince by ſeditious ſubjects, their origin muſt appear, on that very account, ſtill more precarious and unfavourable. In England, the authority of the king, in all the exterior forms of government, and in the common ſtyle of law, appears totally abſolute and ſovereign; nor does the real ſpirit of the conſtitution, as it has ever diſcovered itſelf in practice, fall much ſhort of theſe appearances. The parliament is created by his will; by his will it is diſſolved. It is his will alone, though at the deſire of both houſes, which gives authority to laws. To all foreign nations, the majeſty of the monarch ſeems to merit ſole attention and regard. And no ſubject who has expoſed himſelf to royal indignation, can hope to live with ſafety in the kingdom; nor can he even leave it, according to law, without the conſent of his maſter. If a magiſtrate, inviroued with ſuch power and ſplendour, ſhould conſider his authority as ſacred, and regard himſelf as the anointed of heaven, his pretenſions may bear a very favourable conſtruction. Or, allowing them to be merely pious frauds, we need not be ſurprized that the ſame ſtratagem which was practiſed by Minos, Numa, and the moſt celebrated legiſlators of antiquity, ſhould now, in theſe reſtleſs and inquiſitive times, be employed by the king of England. Subjects are not raiſed above that quality, though aſſembled in parliament. The ſame humble reſpect and deference is ſtill due to their prince. Though he indulges them in the privilege of laying before him their domeſtic grievances, with which they are ſuppoſed to be beſt acquainted, this warrants not their bold intruſion into every province

of

of government. And, to all judicious examiners, it must appear, "That the lines of duty are as much "transgreſſed by a more independent and leſs re- "ſpectful exerciſe of acknowledged powers, as by "the uſurpation of ſuch as are new and unuſual." CHAP. XLVIII. 1621.

The lovers of liberty throughout the nation, reaſoned after a different manner. It is in vain, ſaid they, that the king traces up the Engliſh government to its firſt origin, in order to repreſent the privileges of parliament as dependent and precarious: Preſcription, and the practice of ſo many ages, muſt, long ere this time, have given a ſanction to theſe aſſemblies, even though they had been derived from an origin no more dignified than that which he aſſigns them. If the written records of the Engliſh nation, as aſſerted, repreſent parliaments to have ariſen from the conſent of monarchs, the principles of human nature, when we trace government a ſtep higher, muſt ſhow us, that monarchs themſelves owe all their authority to the voluntary ſubmiſſion of the people. But, in fact, no age can be ſhown, when the Engliſh government was altogether an unmixed monarchy. And, if the privileges of the nation have, at any period, been overpowered by violent irruptions of foreign force or domeſtic uſurpation, the generous ſpirit of the people has ever ſeized the firſt opportunity of re-eſtabliſhing the ancient government and conſtitution. Though in the ſtyle of the laws, and in the uſual forms of adminiſtration, royal authority may be repreſented as ſacred and ſupreme, whatever is eſſential to the exerciſe of ſovereign and legiſlative power muſt ſtill be regarded as equally divine and inviolable. Or, if any diſtinction be made in this reſpect, the preference is ſurely due to thoſe national councils, by whoſe interpoſition the exorbitancies of tyrannical power are reſtrained, and that ſacred liberty is preſerved, which heroic ſpirits, in

CHAP. XLVIII. 1621.

all ages have deemed more precious than life itſelf. Nor is it ſufficient to ſay, that the mild and equitable adminiſtration of James, affords little occaſion, or no occaſion of complaint. How moderate ſoever the exerciſe of his prerogative, how exact ſoever his obſervance of the laws and conſtitution; "If he founds "his authority on arbitrary and dangerous princi- "ples, it is requiſite to watch him with the ſame "care, and to oppoſe him with the ſame vigour, as "if he had indulged himſelf in all the exceſſes of "cruelty and tyranny."

Amidſt theſe diſputes, the wiſe and moderate in the nation endeavoured to preſerve, as much as poſſible, an equitable neutrality between the oppoſite parties; and the more they reflected on the courſe of public affairs, the greater difficulty they found in fixing juſt ſentiments with regard to them. On the one hand, they regarded the very riſe of parties as a happy prognoſtic of the eſtabliſhment of liberty; nor could they ever expect to enjoy, in a mixed government, ſo invaluable a bleſſing, without ſuffering that inconvenience, which, in ſuch governments, has ever attended it. But, when they conſidered, on the other hand, the neceſſary aims and purſuits of both parties, they were ſtruck with apprehenſion of the conſequences, and could diſcover no feaſible plan of accommodation between them. From long practice, the crown was now poſſeſſed of ſo exorbitant a prerogative, that it was not ſufficient for liberty to remain on the defenſive, or endeavour to ſecure the little ground which was left her. It was become neceſſary to carry on an offenſive war, and to circumſcribe, within more narrow, as well as more exact bounds, the authority of the ſovereign. Upon ſuch provocation, it could not but happen that the prince, however juſt and moderate, would endeavour to repreſs his opponents; and, as he ſtood upon the very brink of arbitrary power, it was to be feared that he would,

would, haſtily and unknowingly, paſs thoſe limits, which were not preciſely marked by the conſtitution. The turbulent government of England, ever fluctuating between privilege and prerogative, would afford a variety of precedents, which might be pleaded on both ſides. In ſuch delicate queſtions, the people muſt be divided: The arms of the ſtate were ſtill in their hands: A civil war muſt enſue; a civil war, where no party, or both parties, would juſtly bear the blame, and where the good and virtuous would ſcarcely know what vows to form; were it not that liberty, ſo neceſſary to the perfection of human ſociety, would be ſufficient to biaſs their affections towards the ſide of its defenders.

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CHAP.

CHAP. XLIX.

Negociations with regard to the marriage and the Palatinate——Character of Buckingham——Prince's journey to Spain——Marriage treaty broken——A parliament——Return of Briſtol——Rupture with Spain——Treaty with France——Mansfeldt's expedition——Death of the king——His character.

CHAP. XLIX. 1622.

TO wreſt the Palatinate from the hands of the emperor and the duke of Bavaria, muſt always have been regarded as a difficult taſk for the power of England, conducted by ſo unwarlike a prince as James; it was plainly impoſſible, while the breach ſubſiſted between him and the commons. The king's negociations, therefore, had they been managed with ever ſo great dexterity, muſt now carry leſs weight with them; and it was eaſy to elude all his applications. When Lord Digby, his ambaſſador to the emperor, had deſired a ceſſation of hoſtilities, he was referred to the duke of Bavaria, who commanded the Auſtrian armies. The duke of Bavaria told him, that it was entirely ſuperfluous to form any treaty for that purpoſe. *Hoſtilities are already ceaſed*, ſaid he, *and I doubt not but I ſhall be able to prevent their revival by keeping firm poſſeſſion of the Palatinate, till a final agreement ſhall be concluded between the contending parties* [b]. Notwithſtanding this inſult, James endeavoured to reſume with the emperor a treaty of accommodation; and he opened the negociations at Bruſſels, under the mediation of Archduke Albert,

Negociations with regard to the marriage and the Palatinate.

b Franklyn, p. 57. Ruſhworth, vol. i. p. 38.

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and, after his death, which happened about this time, under that of the Infanta. When the conferences were entered upon, it was found, that the powers of these princes to determine in the controversy were not sufficient or satisfactory. Schwartzenbourg, the Imperial Minister, was expected at London, and it was hoped that he would bring more ample authority: His commission referred entirely to the negociation at Bruſſels. It was not difficult for the king to perceive, that his applications were neglected by the emperor; but as he had no choice of any other expedient, and it ſeemed the intereſt of his ſon-in-law to keep alive his pretenſions, he was ſtill content to follow Ferdinand through all his ſhifts and evaſions. Nor was he entirely diſcouraged, even when the Imperial diet at Ratiſbon, by the influence, or rather authority of the emperor, though contrary to the proteſtation of Saxony and of all the Proteſtant princes and cities, had transferred the electoral dignity from the Palatine to the duke of Bavaria. CHAP. XLIX. 1623.

Meanwhile, the efforts made by Frederic, for the recovery of his dominions, were vigorous. Three armies were levied in Germany by his authority, under three commanders, Duke Chriſtian of Brunſwick, the prince of Baden-Dourlach, and Count Mansfeldt. The two former generals were defeated by Count Tilly and the Imperialiſts; the third, though much inferior in force to his enemies, ſtill maintained the war, but with no equal ſupplies of money, either from the Palatine or the king of England. It was chiefly by pillage and free quarters in the Palatinate that he ſubſiſted his army. As the Auſtrians were regularly paid, they were kept in more exact diſcipline; and James juſtly became apprehenſive leſt ſo unequal a conteſt, beſides ravaging the Palatine's hereditary dominions, would end in the total alienation of the people's affections from their ancient ſovereign, by whom they were plundered, and in an attachment to their new maſters, by whom

CHAP. XLIX. 1622.

whom they were protected [c]. He perſuaded, therefore, his ſon-in-law to diſarm, under colour of duty and ſubmiſſion to the emperor: And accordingly, Mansfeldt was diſmiſſed from the Palatine's ſervice; and that famous general withdrew his army into the Low Countries, and there received a commiſſion from the States of the United Provinces.

To ſhew how little account was made of James's negociations abroad, there is a pleaſantry mentioned by all hiſtorians, which, for that reaſon, ſhall have place here. In a farce, acted at Bruſſels, a courier was introduced carrying the doleful news that the Palatinate would ſoon be wreſted from the houſe of Auſtria, ſo powerful were the ſuccours, which, from all quarters, were haſtening to the relief of the deſpoiled elector: the king of Denmark had agreed to contribute to his aſſiſtance a hundred thouſand pickled herrings; the Dutch a hundred thouſand butter-boxes; and the king of England a hundred thouſand ambaſſadors. On other occaſions, he was painted with a ſcabbard, but without a ſword; or with a ſword which nobody could draw, though ſeveral were pulling at it [d].

It was not from his negociations with the emperor, or the Duke of Bavaria, that James expected any ſucceſs in his project of reſtoring the Palatine: his eyes were entirely turned towards Spain; and if he could effect his ſon's marriage with the Infanta, he doubted not but that, after ſo intimate a conjunction, this other point could eaſily be obtained. The negociations of that court being commonly dilatory, it was not eaſy for a prince of ſo little penetration in buſineſs to diſtinguiſh whether the difficulties which occurred were real or affected; and he was ſurpriſed, after negociating five years on ſo ſimple a demand, that he was not more advanced than at

[c] Parl. Hiſt. vol. v. p. 484. [d] Kennet, p. 749.

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the beginning. A diſpenſation from Rome was requiſite for the marriage of the Infanta with a Proteſtant prince; and the king of Spain, having undertaken to procure that diſpenſation, had thereby acquired the means of retarding at pleaſure, or of forwarding the marriage, and at the ſame time of concealing entirely his artifices from the court of England. CHAP. XLIX. 1622.

In order to remove all obſtacles, James diſpatched Digby, ſoon after created earl of Briſtol, as his ambaſſador to Philip IV. who had lately ſucceeded his father in the crown of Spain. He ſecretly employed Gage as his agent at Rome; and finding that the difference of religion was the principal, if not the ſole difficulty which retarded the marriage, he reſolved to ſoften that objection as much as poſſible. He iſſued public orders for diſcharging all Popiſh recuſants who were impriſoned; and it was daily apprehended, that he would forbid for the future the execution of the penal laws enacted againſt them. For this ſtep, ſo oppoſite to the rigid ſpirit of his ſubjects, he took care to apologize; and he even endeavoured to aſcribe it to his great zeal for the reformed religion. He had been making applications, he ſaid, to all foreign princes for ſome indulgence to the diſtreſſed Proteſtants; and he was ſtill anſwered by objections derived from the ſeverity of the Engliſh laws againſt Catholics[e]. It might indeed occur to him, that if the extremity of religious zeal were ever to abate among Chriſtian ſects, one of them muſt begin; and nothing would be more honourable for England, than to have led the way in ſentiments ſo wiſe and moderate.

Not only the religious puritans murmured at this tolerating meaſure of the king: The lovers of civil liberty were alarmed at ſo important an exertion of prerogative. But among other dangerous articles of

e Franklyn, p. 69. Ruſhworth, vol. i. p. 63.

authority,

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authority, the kings of England were at that time poſſeſſed of the diſpenſing power; at leaſt, were in the conſtant practice of exerciſing it. Beſides, tho' the royal prerogative in civil matters was then extenſive, the princes, during ſome late reigns, had been accuſtomed to aſſume a ſtill greater in eccleſiaſtical; and the king failed not to repreſent the toleration of Catholics as a meaſure entirely of that nature.

By James's conceſſion in favour of the Catholics, he attained his end. The ſame religious motives which had hitherto rendered the court of Madrid inſincere in all the ſteps taken with regard to the marriage, were now the chief cauſe of promoting it. By its means, it was there hoped, the Engliſh Catholics would for the future enjoy eaſe and indulgence; and the Infanta would be the happy inſtrument of procuring to the church ſome tranquillity, after the many ſevere perſecutions which it had hitherto undergone. The earl of Briſtol, a miniſter of vigilance and penetration, and who had formerly oppoſed all alliance with Catholics [f], was now fully convinced of the ſincerity of Spain; and he was ready to congratulate the king on the entire completion of his views and projects [g]. A daughter of Spain, whom he repreſents as extremely accompliſhed, would ſoon, he ſaid, arrive in England, and bring with her an immenſe fortune of two millions of pieces of eight, or 600,000 l. Sterling; a ſum four times greater than Spain had ever before given with any princeſs, and almoſt equal to all the money which the parliament, during the whole courſe of this reign, had hitherto granted to the king. But what was of more importance to James's honour and happineſs, Briſtol conſidered this match as an infallible prognoſtic of the Palatine's reſtoration; nor would Philip, he thought, ever have beſtowed his ſiſter and ſo large

f Ruſhworth, vol. i. p. 292. g Ibid. p. 69.

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a fortune, under the proſpect of entering next day into a war with England. So exact was his intelligence, that the moſt ſecret counſels of the Spaniards, he boaſts, had never eſcaped him [h]; and he found that they had all along conſidered the marriage of the Infanta and the reſtitution of the Palatinate as meaſures cloſely connected, or altogether inſeparable [i]. However little calculated James's character to extort ſo vaſt a conceſſion; however improper the meaſures which he had purſued for attaining that end; the ambaſſador could not withſtand the plain evidence of facts, by which Philip now demonſtrated his ſincerity. Perhaps, too, like a wiſe man, he conſidered, that reaſons of ſtate, which are ſuppoſed ſolely to influence the councils of monarchs, are not always the motives which there predominate; that the milder views of gratitude, honour, friendſhip, generoſity, are frequently able among princes as well as private perſons, to counterbalance theſe ſelfiſh conſiderations; that the juſtice and moderation of James had been ſo conſpicuous in all theſe tranſactions, his reliance on Spain, his confidence in her friendſhip, that he had at laſt obtained the cordial alliance of that nation, ſo celebrated for honour and fidelity. Or if politics muſt ſtill be ſuppoſed the ruling motive of all public meaſures, the maritime power of England was ſo conſiderable, and the Spaniſh dominions ſo divided, as might well induce the council of Philip to think, that a ſincere friendſhip with the maſters of the ſea could not be purchaſed by too great conceſſions [k]. And as James, during ſo many years, had been allured and ſeduced by hopes and proteſtations, his people en-

h Ruſhworth, vol. i. p. 272.

i We find by private letters between Philip IV. and the Condé Olivarez, ſhown by the latter to Buckingham, that the marriage and the reſtitution of the Palatinate, were always conſidered by the court of Spain as inſeparable. See Franklyn, p. 71, 72. Ruſhworth, vol. i. p. 71. 280. 299, 300. Parl. Hiſt. vol. vi. p. 66.

k Franklyn, p. 72.

raged

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raged by delays and disappointments; it would probably occur, that there was now no medium left between the most inveterate hatred and the most intimate alliance between the nations. Not to mention, that as a new spirit began about this time to animate the councils of France, the friendship of England became every day more necessary to the greatness and security of the Spanish monarch.

All measures being, therefore, agreed on between the parties, naught was wanting but the dispensation from Rome, which might be considered as a mere formality [1]. The king justified by success, now exulted in his pacific counsels, and boasted of his superior sagacity and penetration; when all these flattering prospects were blasted by the temerity of a man, whom he had fondly exalted from a private condition, to be the bane of himself, of his family, and of his people.

Character of Buckingham.

Ever since the fall of Somerset, Buckingham had governed with an uncontrouled sway both the court and nation; and could James's eyes have been opened, he had now full opportunity of observing how unfit his favourite was for the high station to which he was raised. Some accomplishments of a courtier he possessed—Of every talent of a minister he was utterly destitute. Headstrong in his passions, and incapable equally of prudence and of dissimulation: Sincere from violence rather than candour; expensive from profusion more than generosity: A warm friend, a furious enemy; but without any choice or discernment in either. With these qualities he had early and quickly mounted to the highest rank; and partook at once of the insolence which attends a fortune newly acquired, and the impetuosity which belongs to persons born in high stations, and unacquainted with opposition.

1 Rushworth, vol. i. p. 66.

Among

Among thoſe who had experienced the arrogance of this overgrown favourite, the prince of Wales himſelf had not been entirely ſpared; and a great coldneſs, if not an enmity, had, for that reaſon, taken place between them. Buckingham, deſirous of an opportunity which might connect him with the prince, and overcome his averſion, and at the ſame time envious of the great credit acquired by Briſtol in the Spaniſh negociation, bethought himſelf of an expedient by which he might at once gratify both theſe inclinations. He repreſented to Charles, that perſons of his exalted ſtation were peculiarly unfortunate in their marriage, the chief circumſtance of life; and commonly received into their arms a bride, unknown to them, to whom they were unknown; not endeared by ſympathy, not obliged by ſervice; wooed by treaties alone, by negociations, by political intereſts: That however accompliſhed the Infanta, ſhe muſt ſtill conſider herſelf as a melancholy victim of ſtate, and could not but think with averſion of that day when ſhe was to enter the bed of a ſtranger; and paſſing into a foreign country and a new family, bid adieu for ever to her father's houſe and to her native land: That it was in the prince's power to ſoften all theſe rigours, and lay ſuch an obligation on her as would attach the moſt indifferent temper, as would warm the coldeſt affections: That his journey to Madrid would be an unexpected gallantry, which would equal all the fictions of Spaniſh romance, and, ſuiting the amorous and enterpriſing character of that nation, muſt immediately introduce him to the princeſs under the agreeable character of a devoted lover and daring adventurer: That the negociations with regard to the Palatinate, which had hitherto languiſhed in the hands of miniſters, would quickly be terminated by ſo illuſtrious an agent, ſeconded by the mediation and intreaties of the grateful Infanta: That Spaniſh generoſity,

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moved by that unexampled truſt and confidence, would make conceſſions beyond what could be expected from political views and conſiderations: And that he would quickly return to the king with the glory of having re-eſtabliſhed the unhappy Palatine by the ſame enterprize which procured him the affections and the perſon of the Spaniſh princeſs [m].

The mind of the young prince, replete with candour, was inflamed by theſe generous and romantic ideas ſuggeſted by Buckingham. He agreed to make application to the king for his approbation. They choſe the moment of his kindeſt and moſt jovial humour; and more by the earneſtneſs which they expreſſed, than by the force of their reaſons, they obtained a haſty and unguarded conſent of their undertaking. And having engaged his promiſe to keep their purpoſe ſecret, they left him in order to make preparations for the journey.

No ſooner was the king alone, than his temper, more cautious than ſanguine, ſuggeſted very different views of the matter, and repreſented every difficulty and danger which could occur. He reflected, that however the world might pardon this ſally of youth in the prince, they would never forgive himſelf, who, at his years, and after his experience, could entruſt his only ſon, the heir of his crown, the prop of his age, to the diſcretion of foreigners, without ſo much as providing the frail ſecurity of a ſafe-conduct in his favour: That if the Spaniſh monarch were ſincere in his profeſſions, a few months muſt finiſh the treaty of marriage, and bring the Infanta into England; if he were not ſincere, the folly was ſtill more egregious of committing the prince into his hands: That Philip, when poſſeſſed of ſo invaluable a pledge, might well riſe in his demands, and impoſe harder conditions of treaty: And that

m Clarendon, vol. i. p. 11, 12.

the

the temerity of the enterprise was so apparent, that the event, how prosperous soever, could not justify it; and if disastrous, it would render himself infamous to his people, and ridiculous to all posterity [n].

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Tormented with these reflections, as soon as the prince and Buckingham returned for their dispatches, he informed them of all the reasons which had determined him to change his resolution; and he begged them to desist from so foolish an adventure. The prince received the disappointment with sorrowful submission and silent tears. Buckingham presumed to speak in an imperious tone, which he had ever experienced to be prevalent over his too easy master. He told the king, that nobody for the future would believe any thing he said, when he retracted so soon the promise so solemnly given; that he plainly discerned this change of resolution to proceed from another breach of his word, in communicating the matter to some rascal, who had furnished him with those pitiful reasons which he had alledged, and he doubted not but he should hereafter know who his counsellor had been; and that if he receded from what he had promised, it would be such a disobligation to the prince, who had now set his heart upon the journey, after his majesty's approbation, that he could never forget it, nor forgive any man who had been the cause of it [o].

The king, with great earnestness, fortified by many oaths, made his apology, by denying that he had communicated the matter to any; and finding himself assailed, as well by the boisterous importunities of Buckingham, as by the warm intreaties of his son, whose applications had hitherto, on other occasions, been always dutiful, never earnest; he had again the weakness to assent to their purposed journey.

n Clarendon, vol. i. p. 14. o Ibid. vol. i. p. 16.

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It was agreed that Sir Francis Cottington alone, the prince's ſecretary, and Endymion Porter, gentleman of his bed-chamber, ſhould accompany them; and the former being at that time in the anti-chamber, he was immediately called in by the king's orders.

James told Cottington, that he had always been an honeſt man, and therefore he was now to truſt him in an affair of the higheſt importance, which he was not, upon his life, to diſcloſe to any man whatever. "Cottington," added he, "here is Baby "Charles and Stenny," (theſe ridiculous appellations he uſually gave to the prince and Buckingham) "who have a great mind to go poſt into Spain, and "fetch home the Infanta: They will have but two "more in their company, and have choſen you for "one. What think you of the journey?" Sir Francis, who was a prudent man, and had reſided ſome years in Spain as the king's agent, was ſtruck with all the obvious objections to ſuch an enterpriſe, and ſcrupled not to declare them. The king threw himſelf upon his bed, and cried, *I told you this before;* and fell into a new paſſion and new lamentations, complaining that he was undone, and ſhould loſe Baby Charles.

The prince ſhowed by his countenance that he was extremely diſſatisfied with Cottington's diſcourſe; but Buckingham broke into an open paſſion againſt him. The king, he told him, aſked him only of the journey, and of the manner of travelling; particulars of which he might be a competent judge, having gone the road ſo often by poſt; but that he, without being called to it, had the preſumption to give his advice upon matters of ſtate, and againſt his maſter, which he ſhould repent as long as he lived. A thouſand other reproaches he added, which put the poor king into a new agony in behalf of a ſervant, who, he foreſaw, would ſuffer for anſwering him honeſtly. Upon which he ſaid with ſome emotion,

tion, *Nay, by God, Stenny, you are much to blame for uſing him ſo: He anſwered me directly to the queſtion which I aſked him, and very honeſtly and wiſely; and yet, you know, he ſaid no more than I told you before he was called in.* However, after all this paſſion on both ſides, James renewed his conſent; and proper directions were given for the journey. Nor was he now at any loſs to diſcover, that the whole intrigue was originally contrived by Buckingham, as well as purſued violently by his ſpirit and impetuoſity. CHAP. XLIX. 1623.

Theſe circumſtances, which ſo well characteriſe the perſons, ſeem to have been related by Cottington to Lord Clarendon, from whom they are here tranſcribed; and though minute, are not undeſerving of a place in hiſtory.

The prince and Buckingham, with their two attendants, and Sir Richard Graham, maſter of horſe to Buckingham, paſſed diſguiſed and undiſcovered through France; and they even ventured into a court-ball at Paris, where Charles ſaw the Princeſs Henrietta, whom he afterwards eſpouſed, and who was at that time in the bloom of youth and beauty. In eleven days after their departure from London, they arrived at Madrid, and ſurpriſed every body by a ſtep ſo unuſual among great princes. The Spaniſh monarch immediately paid Charles a viſit, expreſſed the utmoſt gratitude for the confidence repoſed in him, and made warm proteſtations of a correſpondent confidence and friendſhip. By the moſt ſtudied civilities, he ſhowed the reſpect which he bore to his royal gueſt. He gave him a golden key, which opened all his apartments, that the prince might, without any introduction, have acceſs to him at all hours: He took the left hand of him on every occaſion, except in the apartments aſſigned to Charles; for there, he ſaid, the prince was at home. Charles was introduced into the palace with the ſame pomp

7th March. The Prince's journey to Spain.

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and ceremony that attends the kings of Spain on their coronation: The council received public orders to obey him as the king himſelf. Olivarez, too, though a grandee of Spain, who has the right of being covered before his own king, would not put on his hat in the prince's preſence[p]. All the priſons of Spain were thrown open, and all the priſoners received their freedom, as if the event the moſt honourable and moſt fortunate had happened to the monarchy[q]. And every ſumptuary law with regard to apparel was ſuſpended during Charles's reſidence in Spain. The Infanta, however, was only ſhown to her lover in public; the Spaniſh ideas of decency being ſo ſtrict as not to allow of any farther intercourſe, till the arrival of the diſpenſation[r].

The point of honour was carried ſo far by that generous people, that no attempt was made, on account of the advantage which they had acquired, of impoſing any harder conditions of treaty. Their pious zeal only prompted them, on one occaſion, to deſire more conceſſions in the religious articles; but, upon the oppoſition of Briſtol, accompanied with ſome reproaches, they immediately deſiſted. The Pope, however, hearing of the Prince's arrival in Madrid, tacked ſome new clauſes to the diſpenſation[s]; and it became neceſſary to tranſmit the articles to London, that the king might ratify them. This treaty, which was made public, conſiſted of ſeveral articles, chiefly regarding the exerciſe of the Catholic religion by the Infanta and her houſehold. Nothing could reaſonably be found fault with, except one article, in which the king promiſed, that the children ſhould be educated by the Princeſs till ten years of age. This condition could not be inſiſted on, but with a view of ſeaſoning their minds with

p Franklyn, p. 73.
q Idem, p. 74.
r Ruſhworth, vol. i. p. 77.
s Idem, vol. i. p. 84.

Catholic

Catholic principles; and though ſo tender an age ſeemed a ſufficient ſecurity againſt theological prejudices, yet the ſame reaſon which made the pope inſert that article ſhould have induced the king to reject it. CHAP. XLIX. 1623.

Beſides the public treaty, there were ſeparate articles, privately ſworn to by the king; in which he promiſed to ſuſpend the penal laws enacted againſt Catholics, to procure a repeal of them in parliament, and to grant a toleration for the exerciſe of the Catholic religion in private houſes[t]. Great murmurs, we may believe, would have ariſen againſt theſe articles, had they been made known to the public; ſince we find it to have been imputed as an enormous crime to the prince, that, having received, about this time, a very civil letter from the pope, he was induced to return a very civil anſwer[u].

Meanwhile, Gregory XV. who granted the diſpenſation died; and Urban VIII. was choſen in his place. Upon this event, the nuncio refuſed to deliver the diſpenſation, till it ſhould be renewed by Urban; and that crafty pontiff delayed ſending a new diſpenſation, in hopes, that, during the prince's reſidence in Spain, ſome expedient might be fallen upon to effect his converſion. The king of England, as well as the prince, became impatient. On the firſt hint, Charles obtained permiſſion to return; and Philip graced his departure with all the circumſtances of elaborate civility and reſpect, which had attended his reception. He even erected a pillar on the ſpot where they took leave of each other, as a monument of mutual friendſhip; and the prince, having ſworn to the obſervance of all the articles, entered on his journey, and embarked on board the Engliſh fleet at St Andero.

The character of Charles, compoſed of decency, reſerve, modeſty, ſobriety; virtues ſo agreeable to

t Franklyn, p. 80. Ruſhworth, vol. i. p. 89. Kennet, p. 769.

u Ruſhworth, vol. i. p. 82. Franklyn, p. 77.

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the manners of the Spaniards; the unparallelled confidence which he had repoſed in their nation; the romantic gallantry which he had practiſed towards the princeſs; all theſe circumſtances, joined to his youth and advantageous figure, had endeared him to the whole court of Madrid, and had impreſſed the moſt favourable ideas of him[x]. But in the ſame proportion that the prince was beloved and eſteemed, was Buckingham deſpiſed and hated. His behaviour, compoſed of Engliſh familiarity, and French vivacity; his ſallies of paſſion, his indecent freedoms with the prince, his diſſolute pleaſures, his arrogant, impetuous temper, which he neither could nor cared to diſguiſe; qualities like theſe could, moſt of them, be eſteemed no where, but to the Spaniards were the objects of peculiar averſion[y]. They could not conceal their ſurprize, that ſuch a youth could intrude into a negociation, now conducted to a period by ſo accompliſhed a miniſter as Briſtol, and could aſſume to himſelf all the merit of it. They lamented the Infanta's fate, who muſt be approached by a man, whoſe temerity ſeemed to reſpect no laws, divine or human[z]. And when they obſerved, that he had the imprudence to inſult the Condé duke of Olivarez, their prime miniſter, every one who was ambitious of paying court to the Spaniſh, became deſirous of ſhowing a contempt of the Engliſh favourite.

The duke of Buckingham told Olivarez, that his own attachment to the Spaniſh nation and to the king of Spain was extreme; that he would contribute to every meaſure which could cement the friendſhip between England and them; and that his peculiar ambition would be to facilitate the prince's marriage with the Infanta. But, he added, with a ſincerity equally inſolent and indiſcreet, *With regard to you, Sir, in particular, you muſt not conſider me as your friend, but muſt ever expect from me all poſſible enmity*

x Franklyn, p. 80. Ruſhworth, vol. i. p. 103.

y Ibid. vol. i. p. 101.

z Clarendon, vol. i. p. 36.

and

and oppoſition. The Condé duke replied, with a becoming dignity, that he very willingly accepted of what was proffered him: And on theſe terms the favourites parted [a]. CHAP. XLIX. 1623.

Buckingham, ſenſible how odious he was become to the Spaniards, and dreading the influence which that nation would naturally acquire after the arrival of the Infanta, reſolved to employ all his credit in order to prevent the marriage. By what arguments he could engage the prince to offer ſuch an inſult to the Spaniſh nation, from whom he had met with ſuch generous treatment, by what colours he could diſguiſe the ingratitude and imprudence of ſuch a meaſure; theſe are totally unknown to us. We may only conjecture, that the many unavoidable cauſes of delay, which had ſo long prevented the arrival of the diſpenſation, had afforded to Buckingham a pretence for throwing on the Spaniards the imputation of inſincerity in the whole treaty. It alſo appears, that his impetuous and domineering character had acquired, what it ever after maintained, a total aſcendant over the gentle and modeſt temper of Charles; and, when the prince left Madrid, he was firmly determined, notwithſtanding all his profeſſions, to break off the treaty with Spain.

It is not likely that Buckingham prevailed ſo eaſily with James to abandon a project which, during ſo many years, had been the object of all his wiſhes, and which he had unexpectedly conducted to a happy period [b]. A rupture with Spain, the loſs of two millions, were proſpects leſs agreeable to this pacific and indigent monarch. But, finding his only ſon bent againſt a match, which had always been oppoſed by his people and his parliament, he yielded to difficulties which he had not courage or ſtrength of mind ſufficient to overcome. The prince, therefore,

a Ruſhworth, vol. i. p. 103. Clarendon, vol. i. p. 37.

b Hacket's Life of Williams.

and

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and Buckingham, on their arrival at London, assumed entirely the direction of the negociation; and, it was their business to seek for pretences, by which they could give a colour to their intended breach of treaty.

Though the restitution of the palatinate had ever been considered by James as a natural or necessary consequence of the Spanish alliance, he had always forbidden his ministers to insist on it as a preliminary article to the conclusion of the marriage treaty. He considered, that this principality was now in the hands of the emperor and the duke of Bavaria, and that it was no longer in the king of Spain's power, by a single stroke of his pen, to restore it to its ancient master. The strict alliance of Spain with these princes would engage Philip, he thought, to soften so disagreeable a demand by every art of negociation; and many articles must of necessity be adjusted, before such an important point could be effected. It was sufficient, in James's opinion, if the sincerity of the Spanish court could, for the present, be ascertained; and, dreading farther delays of the marriage so long wished for, he was resolved to trust the palatine's full restoration to the event of future counsels and deliberations [c].

This whole system of negociation Buckingham now reversed, and he overturned every supposition upon which the treaty had hitherto been conducted. After many fruitless artifices were employed to delay or prevent the espousals, Bristol received positive orders not to deliver the proxy, which had been left in his hands, or to finish the marriage, till security were given for the full restitution of the palatinate [d]. Philip understood this language. He had been acquainted with the disgust received by Buckingham; and deeming him a man capable of sacrificing, to his

c Parl. Hist. vol. vi. p. 57.
d Rushworth, vol. i. p. 105. Kennet, p. 776.

own

own ungovernable paſſions, the greateſt intereſts of his maſter and of his country, he had expected, that the unbounded credit of that favourite would be employed to embroil the two nations. Determined, however, to throw the blame of the rupture entirely on the Engliſh, he delivered into Briſtol's hand a written promiſe, by which he bound himſelf to procure the reſtoration of the palatine, either by perſuſion, or by every other poſſible means; and, when he found that this conceſſion gave no ſatisfaction, he ordered the Infanta to lay aſide the title of Princeſs of Wales, which ſhe bore after the arrival of the diſpenſation from Rome, and to drop the ſtudy of the Engliſh language [e]. And thinking that ſuch raſh counſels, as now governed the court of England, would not ſtop at the breach of the marriage treaty, he ordered preparations for war immediately to be made throughout all his dominions [f].

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1623. Marriage treaty broken.

Thus James, having, by means inexplicable from the ordinary rules of politics, conducted ſo near an honourable period the marriage of his ſon, and the reſtoration of his ſon-in-law, failed at laſt of his purpoſe, by means equally unaccountable.

But, though the expedients already uſed by Buckingham were ſufficiently inglorious, both for himſelf and for the nation; it was neceſſary for him, ere he could fully effect his purpoſe, to employ artifices ſtill more diſhonourable.

The king, having broken with Spain, was obliged to concert new meaſures; and, without the aſſiſtance of parliament, no effectual ſtep of any kind could be taken. The benevolence which, during the interval, had been rigorouſly exacted for recovering the palatinate, though levied for ſo popular an end, had

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e Franklyn, p 80. Ruſhworth, vol. i. p. 112.
f Ruſhworth, vol. i. p. 114.

procured

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A parliament.

procured to the king less money than ill-will from his subjects [g]. Whatever discouragements, therefore, he might receive from his ill agreement with former parliaments, there was a necessity of summoning once more this assembly; and, it might be hoped, that the Spanish alliance, which gave such umbrage, being abandoned, the commons would now be better satisfied with the king's administration. In his speech

29th Feb.

to the houses, James dropped some hints of his causes of complaint against Spain; and he graciously condescended to ask the advice of parliament, which he had ever before rejected, with regard to the conduct of so important an affair as his son's marriage [h]. Buckingham delivered, to a committee of lords and commons, a long narrative, which he pretended to be true and complete, of every step taken in the negociations with Philip: But partly by the suppression of some facts, partly by the false colouring laid on others, this narrative was calculated entirely to mislead the parliament, and to throw on the court of Spain the reproach of artifice and insincerity. He said that, after many years' negociation, the king found not himself any nearer his purpose; and that Bristol had never brought the treaty beyond general professions and declarations: That the prince, doubting the good intentions of Spain, resolved at last to take a journey to Madrid, and put the matter to the utmost trial: That he there found such artificial dealing as made him conclude all the steps taken towards the marriage to be false and deceitful: That the resti-

g To show by what violent measures benevolences were usually raised, Johnstone tells us, in his *Rerum Britannicarum Historia*, that Barnes, a citizen of London, was the first who refused to contribute any thing; upon which the treasurer sent him word, that he must immediately prepare himself to carry, by post, a dispatch into Ireland. The citizen was glad to make his peace, by paying a hundred pounds; and no one durst afterwards refuse the benevolence required. See farther, Coke, p. 80.

h Franklyn, p. 79. Rushworth, vol. i. p. 115. Kennet, p. 778.

tution

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tution of the palatinate, which had ever been regarded by the king as an essential preliminary, was not seriously intended by Spain: And that, after enduring much bad usuage, the prince was obliged to return to England, without any hopes, either of obtaining the Infanta, or of restoring the Elector Palatine [h].

This narrative, which, considering the importance of the occasion, and the solemnity of that assembly to which it was delivered, deserves great blame, was yet vouched for truth by the prince of Wales, who was present; and the king himself lent it, indirectly, his authority, by telling the parliament that it was by his orders Buckingham laid the whole affair before them. The conduct of these princes it is difficult fully to excuse. It is in vain to plead the youth and inexperience of Charles; unless his inexperience and youth, as is probable [i], if not certain, really led him into error, and made him swallow all the falsities of Buckingham. And though the king was here hurried from his own measures by the impetuosity of others; nothing should have induced him to prostitute his character, and seem to vouch the impostures, at least false colourings, of his favourite, of which he had so good reason to entertain a suspicion [k].

Buckingham's narrative, however artfully disguised, contained so many contradictory circumstances, as were sufficient to open the eyes of all reasonable men; but it concurred so well with the passions and prejudices of the parliament, that no scruple was made of immediately adopting it [l]. Charmed with having obtained at length the oportunity, so long wished for

h Franklyn, p. 89, 90, 91, &c.—Rushworth, vol. i. p. 119, 120, &c. Parl. Hist. vol. vi. p. 20, 21, &c.

i See note [M] at the end of the volume.

k It must, however, be confessed, that the king afterwards warned the house not to take Buckingham's narrative for his, though it was laid before them by his order. Parl. Hist. vol. vi. p. 104. James was probably ashamed to have been carried so far by his favourite.

l Parl. Hist. vol. vi. p. 75.

of

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of going to war with Papiſts, they little thought of future conſequences; but immediately adviſed the king to break off both treaties with Spain, as well that which regarded the marriage, as that for the reſtitution of the Palatinate[m]. The people, ever greedy of war till they ſuffer by it, diſplayed their triumph at theſe voilent meaſures by public bonfires and rejoicings, and by inſults on the Spaniſh miniſters. Buckingham was now the favourite of the public, and of the parliament. Sir Edward Coke, in the houſe of commons, called him the Saviour of the nation[n]. Every place reſounded with his praiſes.—And he himſelf, intoxicated by a popularity which he enjoyed ſo little time, and which he ſo ill deſerved, violated all duty to his indulgent maſter, and entered into cabals with the puritanical members, who had ever oppoſed the royal authority. He even encouraged ſchemes for aboliſhing the order of biſhops, and ſelling the dean and chapter lands, in order to defray the expences of a Spaniſh war.—And the king, though he ſtill entertained projects for temporizing, and for forming an accommodation with Spain, was ſo borne down by the torrent of popular prejudices, conducted and encreaſed by Buckingham, that he was at laſt obliged, in a ſpeech to parliament, to declare in favour of hoſtile meaſures, if they would engage to ſupport him[o]. Doubts of their ſincerity in this reſpect, doubts which the event ſhowed not to be ill grounded, had probably been one cauſe of his former pacific and dilatory meaſures.

In his ſpeech on this occaſion, the king began with lamenting his own unhappineſs, that, having ſo long valued himſelf on the epithet of the pacific monarch, he ſhould now, in his old age, be obli-

m Franklyn, p. 98. Ruſhworth, vol. i. p. 128. Parl. Hiſt. vol. vi. p. 103.

n Clarendon, vol. i. p. 6.

o Franklyn, p. 94, 95. Ruſhworth, vol. i. p. 129, 130.

ged

ged to exchange the bleſſings of peace for the ineCHAP. XLIX. 1624.
vitable calamities of war. He repreſented to them the immenſe and continued expence requiſite for military armaments; and beſides ſupplies, from time to time, as they ſhould become neceſſary, he demanded a vote of ſix ſubſidies and twelve fifteenths, as a proper ſtock before the commencement of hoſtilities. He told them of his intolerable debts, chiefly contracted by the ſums remitted to the Palatine[p]; but he added, that he did not inſiſt on any ſupply for his own relief, and that it was ſufficient for him, if the honour and ſecurity of the public were provided for. To remove all ſuſpicion, he, who had ever ſtrenuouſly maintained his prerogative, and who had even extended it into ſome points eſteemed doubtful, now made an imprudent conceſſion, of which the conſequences might have proved fatal to royal authority: He voluntarily offered, that the money voted ſhould be paid to a committee of parliament, and ſhould be iſſued by them, without being intruſted to his management[q]. The commons willingly accepted of this conceſſion, ſo unuſual to an Engliſh monarch; they voted him only three ſubſidies and three fifteenths[r]: And they took no notice of the complaints which he made of his own wants and neceſſities.

Advantage was alſo taken of the preſent good agreement between the king and parliament, in order to paſs the bill againſt monopolies, which had formerly been encouraged by the king, but which had failed by the rupture between him and the laſt houſe of commons. This bill was conceived in ſuch terms as to render it merely declaratory; and all monopolies were condemned as contrary to law and to the known liberties of the people. It was there ſuppoſed, that every ſubject of England had entire power to

p See note [N] at the end of the volume.

q Ruſhworth, vol. i. p. 137.

r Leſs than 300,000 l.

diſpoſe

CHAP. XLIX. 1624.

dispose of his own actions, provided he did no injury to any of his fellow-subjects; and that no prerogative of the king, no power of any magistrate, nothing but the authority alone of laws, could restrain that unlimited freedom. The full prosecution of this noble principle into all its natural consequences, has, at last, through many contests, produced that singular and happy government which we enjoy at present [s].

The house of commons also corroborated, by a new precedent, the important power of impeachment, which, two years before, they had exercised in the case of chancellor Bacon, and which had lain dormant for near two centuries, except when they served as instruments of royal vengeance. The earl of Middlesex had been raised, by Buckingham's interest, from the rank of a London merchant, to be treasurer of England; and, by his activity and address, seemed not unworthy of that preferment. But, as he incurred the displeasure of his patron, by scrupling or refusing some demands of money during the prince's residence in Spain, that favourite vowed revenge, and employed all his credit among the commons to procure an impeachment of the treasurer. The king was extremely dissatisfied with this measure, and prophesied to the prince and duke, that they would live to have their fill of parliamentary prosecutions [t]. In a speech to the parliament, he endeavoured to apologize for Middlesex, and to soften the accusation against him [u]. The charge, however, was still maintained by the commons; and the treasurer was found guilty by the peers, though the misdemeanors proved against him were neither numerous nor important. The accepting of two presents of five hundred pounds a-piece, for passing two patents,

s See note [O] at the end of the volume.
t Clarendon, vol. i. p. 23.
u Parl. Hist. vol. vi. p. 19.

was

was the article of the greateſt weight. His ſentence was, to be fined 50,000 pounds for the king's uſe, and to ſuffer all the other penalties formerly inflicted upon Bacon. The fine was afterwards remitted by the prince, when he mounted the throne. CHAP. XLIX. 1621.

This ſeſſion an addreſs was alſo made, very diſagreeable to the king, craving the ſevere execution of the laws againſt Catholics. His anſwer was gracious and condeſcending [w]; though he declared againſt perſecution, as being an improper meaſure for the ſuppreſſion of any religion, according to the received maxim, *That the blood of the martyrs was the ſeed of the church.* He alſo condemned an entire indulgence of the catholics; and ſeemed to repreſent a middle courſe, as the moſt humane and moſt politic. He went ſo far as even to affirm, with an oath, that he never had entertained any thoughts of granting a toleration to theſe religioniſts [x]. The liberty of exerciſing their worſhip in private houſes, which he had ſecretly agreed to in the Spaniſh treaty, did not appear to him deſerving that name; and it was probably by means of this explication, he thought that he had ſaved his honour. And as Buckingham, in his narrative [y], confeſſed, that the king had agreed to a temporary ſuſpenſion of the penal laws againſt the Catholics, which he diſtinguiſhed from a toleration, a term at that time extremely odious, James naturally deemed his meaning to be ſufficiently explained, and feared not any reproach of falſehood or duplicity, on account of this aſſeveration. After all theſe tranſactions, the parliament was prorogued by the king, who let fall ſome hints, though in gentle terms, of the ſenſe which he entertained of their unkindneſs, in not ſupplying his neceſſities [z]. 29th May.

w Franklyn, p. 101, 102.
x See farther, Franklyn, p. 87.
y Parl. Hiſt. vol. vi. p. 37.
z Franklyn, p. 103.

CHAP. XLIX. 1624.

James, unable to reſiſt ſo ſtrong a combination as that of his people, his parliament, his ſon, and his favourite, had been compelled to embrace meaſures for which, from temper as well as judgment, he had ever entertained a moſt ſettled averſion. Though he diſſembled his reſentment, he began to eſtrange himſelf from Buckingham, to whom he aſcribed all thoſe violent counſels, and whom he conſidered as the author both of the prince's journey to Spain, and of the breach of the marriage treaty. The arrival of Briſtol he impatiently longed for; and it was by the aſſiſtance of that miniſter, whoſe wiſdom he reſpected, and whoſe views he approved, that he hoped in time to extricate himſelf from his preſent difficulties.

Return of Briſtol.

During the prince's abode in Spain, that able negociator had ever oppoſed, though unſucceſsfully, to the impetuous meaſures ſuggeſted by Buckingham, his own wiſe and well tempered counſels. After Charles's departure, he ſtill, upon the firſt appearance of a change of reſolution, interpoſed his advice, and ſtrenuouſly inſiſted on the ſincerity of the Spaniards in the conduct of the treaty, as well as the advantages which England muſt reap from the completion of it. Enraged to find, that his ſucceſsful labours ſhould be rendered abortive by the levities and caprices of an inſolent minion, he would underſtand no hints; and nothing but expreſs orders from his maſter could engage him to make that demand, which he was ſenſible muſt put a final period to the treaty. He was not therefore ſurpriſed to hear, that Buckingham had declared himſelf his open enemy, and, on all occaſions, had thrown out many violent reflections againſt him.

Nothing could be of greater conſequence to Buckingham, than to keep Briſtol at a diſtance both from the king and the parliament; leſt the power of truth

truth, enforced by so well-informed a speaker, should open scenes, which were but suspected by the former, and of which the latter had as yet entertained no manner of jealousy. He applied therefore to James, whose weakness, disguised to himself under the appearance of finesse and dissimulation, was now become absolutely incurable. A warrant for sending Bristol to the Tower was issued immediately upon his arrival in England [b]; and though he was soon released from confinement, yet orders were carried him from the king, to retire to his country seat, and to abstain from all attendance in parliament. He obeyed; but loudly demanded an opportunity of justifying himself, and of laying his whole conduct before his master. On all occasions he protested his innocence, and threw on his enemy the blame of every miscarriage. Buckingham, and, at his instigation, the prince, declared, that they would be reconciled to Bristol, if he would but acknowledge his errors and ill-conduct: But the spirited nobleman, jealous of his honour, refused to buy favour at so high a price. James had the equity to say, that the insisting on that condition was a strain of unexampled tyranny: But Buckingham scrupled not to assert, with his usual presumption, that neither the king, the prince, nor himself, were as yet satisfied of Bristol's innocence [c].

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While the attachment of the prince to Buckingham, while the timidity of James, or the shame of changing his favourite, kept the whole court in awe; the Spanish ambassador, Inoiosa, endeavoured to open the king's eyes, and to cure his fears, by instilling greater fears into him. He privately slipped into his hand a paper, and gave him a signal to read it alone. He there told him, that he was as much a prisoner at London as ever Francis I. was at Ma-

b Rushworth, vol. i. p. 145. c Id. vol. i. p. 259.

CHAP. XLIX. 1624.

drid; that the prince and Buckingham had conſpired together, and had the whole court at their devotion; that cabals among the popular leaders in parliament were carrying on to the extreme prejudice of his authority; that the project was to confine him to ſome of his hunting ſeats, and to commit the whole adminiſtration to Charles; and that it was neceſſary for him, by one vigorous effort, to vindicate his authority, and to puniſh thoſe who had ſo long and ſo much abuſed his friendſhip and beneficence[d].

What credit James gave to this repreſentation does not appear. He only diſcovered ſome faint ſymptoms, which he inſtantly retracted, of diſſatisfaction with Buckingham. All his public meaſures, and all the alliances into which he entered, were founded on the ſyſtem of enmity to the Auſtrian family, and of war to be carried on for the recovery of the Palatinate.

Rupture with Spain.

The ſtates of the United Provinces were, at this time, governed by Maurice; and that aſpiring prince, ſenſible that his credit would languiſh during peace, had, on the expiration of the twelve years' truce, renewed the war with the Spaniſh monarchy. His great capacity in the military art would have compenſated the inferiority of his forces, had not the Spaniſh armies been commanded by Spinola, a general equally renowned for conduct, and more celebrated for enterprize and activity. In ſuch a ſituation, nothing could be more welcome to the republic than the proſpect of a rupture between James and the Catholic king; and they flattered themſelves, as well from the natural union of intereſts between them and England, as from the influence of the preſent conjuncture, that powerful ſuccours would ſoon march to their relief. Accordingly, an army of ſix

d Ruſhworth, vol. i. p. 144. Hacket's Life of Williams. Coke, p. 107.

thouſand

thouſand men was levied in England, and ſent over to Holland, commanded by four young noblemen, Eſſex, Oxford, Southampton, and Willoughby, who were ambitious of diſtinguiſhing themſelves in ſo popular a cauſe, and of acquiring military experience under ſo renowned a captain as Maurice. CHAP. XLIX. 1624.

It might reaſonably have been expected, that, as religious zeal had made the recovery of the Palatinate appear a point of ſuch vaſt importance in England, the ſame effect muſt have been produced in France, by the force merely of political views and conſiderations. While that principality remained in the hands of the houſe of Auſtria, the French dominions were ſurrounded on all ſides by the poſſeſſions of that ambitious family, and might be invaded by ſuperior forces from every quarter. It concerned the king of France, therefore, to prevent the peaceable eſtabliſhment of the emperor in his new conqueſts; and both by the ſituation and greater power of his ſtate, he was much better enabled than James to give ſuccour to the diſtreſſed Palatine[e]. But though theſe views eſcaped not Louis, nor Cardinal Richlieu, who now began to acquire an aſcendant in the French court, that miniſter was determined to pave the way for his enterprizes by firſt ſubduing the Hugonots, and thence to proceed, by mature counſels, to humble the houſe of Auſtria. The proſpect, however, of a conjunction with England was preſently embraced, and all imaginable encouragement was given to every propoſal for conciliating a marriage between Charles and the Princeſs Henrietta. Treaty with France.

Notwithſtanding the ſenſible experience which James might have acquired of the unſurmountable antipathy entertained by his ſubjects againſt all alliance with Catholics, he ſtill perſevered in the opi-

e See Collection of State Papers by the Earl of Clarendon, p. 393.

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1624.

nion, that his ſon would be degraded by receiving into his bed a princeſs of leſs than royal extraction. After the rupture, therefore, with Spain, nothing remained but an alliance with France; and to that court he immediately applied himſelf[f]. The ſame allurements had not here place, which had ſo long entangled him in the Spaniſh negociation: The portion promiſed was much inferior; and the peaceable reſtoration of the palatine could not thence be expected. But James was afraid leſt his ſon ſhould be altogether diſappointed of a bride; and, therefore, as ſoon as the French king demanded, for the honour of his crown, the ſame terms which had been granted to the Spaniſh, he was prevailed with to comply. And as the prince, during his abode in Spain, had given a verbal promiſe to allow the Infanta the education of her children till the age of thirteen, this article was here inſerted in the treaty; and to that imprudence is generally imputed the preſent diſtreſſed condition of his poſterity. The court of England, however, it muſt be confeſſed, always pretended, even in their memorials to the French court, that all the favourable conditions granted to the Catholics, were inſerted in the marriage treaty merely to pleaſe the pope, and that their ſtrict execution was, by an agreement with France, ſecretly diſpenſed with[g].

As much as the concluſion of the marriage treaty was acceptable to the king, as much were all the military enterpriſes diſagreeable, both from the extreme difficulty of the undertaking in which he was engaged, and from his own incapacity for ſuch a ſcene of action.

During the Spaniſh negociation, Heidelberg and Manheim had been taken by the Imperial forces; and

f Ruſhworth, vol. i. p. 152.
g See note [P] at the end of the volume.

Frankendale,

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Frankendale, though the garriſon was entirely Engliſh, was cloſely beſieged by them. After reiterated remonſtrances from James, Spain interpoſed, and procured a ſuſpenſion of arms during eighteen months. But as Frankendale was the only place of Frederic's ancient dominions, which was ſtill in his hands, Ferdinand, deſirous of withdrawing his forces from the Palatinate, and of leaving that ſtate in ſecurity, was unwilling that ſo important a fortreſs ſhould remain in the poſſeſſion of the enemy. To compromiſe all differences, it was agreed to ſequeſtrate it in the hands of the Infanta as a neutral perſon; upon condition, that, after the expiration of the truce, it ſhould be delivered to Frederic; though peace ſhould not, at that time, be concluded between him and Ferdinand[i]. After the unexpected rupture with Spain, the Infanta, when James demanded the execution of the treaty, offered him peaceable poſſeſſion of Frankendale, and even promiſed a ſafe-conduct for the garriſon through the Spaniſh Netherlands: But there was ſome territory of the empire interpoſed between her ſtate and the Palatinate; and for paſſage over that territory, no terms were ſtipulated[k]. By this chicane, which certainly had not been employed, if amity with Spain had been preſerved, the Palatine was totally diſpoſſeſſed of his patrimonial dominions.

The Engliſh nation, however, and James's warlike council, were not diſcouraged. It was ſtill determined to reconquer the Palatinate; a ſtate lying in the midſt of Germany, poſſeſſed entirely by the emperor and duke of Bavaria, ſurrounded by potent enemies, and cut off from all communication with England. Count Mansfeldt was taken into pay; and an Engliſh army of 12,000 foot and 200 horſe was levied by a general preſs throughout the kingdom. Mansfeldt's expedition.

i Ruſhworth, vol. i. p. 74. k Idem, ibid. p. 151.

CHAP. XLIX. 1624. During the negociation with France, vaſt promiſes had been made, though in general terms, by the French miniſtry; not only that a free paſſage ſhould be granted to the Engliſh troops, but that powerful ſuccours ſhould alſo join them in their march towards the Palatinate. In England, all theſe profeſſions were haſtily interpreted to be poſitive engagements. The troops under Mansfeldt's command were embarked at Dover; but, upon ſailing over to Calais, found no orders yet arrived for their admiſſion. After waiting in vain during ſome time, they were obliged to ſail towards Zealand; where it had alſo been neglected to concert proper meaſures for their diſembarkation; and ſome ſcruples aroſe among the States on account of the ſcarcity of proviſions.—Meanwhile, a peſtilential diſtemper creeped in among the Engliſh forces, ſo long cooped up in narrow veſſels. Half the army died while on board; and the other half, weakened by ſickneſs, appeared too ſmall a body to march into the Palatinate[1]. And thus ended this ill-concerted and fruitleſs expedition; the only diſaſter which happened to England during the proſperous and pacific reign of James.

December. 1625.

That reign was now drawing towards a concluſion. With peace, ſo ſucceſsfully cultivated, and ſo paſſionately loved by this monarch, his life alſo terminated. This ſpring he was ſeized with a tertian ague; and, when encouraged by his courtiers with the common proverb, that ſuch a diſtimper, during that ſeaſon, was health for a king, he replied, that the proverb was meant of a young king. After ſome fits, he found himſelf extremely weakened, and ſent for the prince, whom he exhorted to bear a tender affection for his wife, but to preſerve a conſtancy in religion; to protect the church of England; and

1 Franklyn, p. 104. Ruſhworth, vol. i. p. 154. Dugdale, p. 24.

to

to extend his care towards the unhappy family of the Palatine [m]. With decency and courage he prepared himself for his end; and he expired on the 27th of March, after a reign over England of twenty-two years and some days; and in the fifty-ninth year of his age. His reign over Scotland was almost of equal duration with his life. In all history, it would be difficult to find a reign less illustrious, yet more unspotted and unblemished than that of James in both kingdoms.

CHAP. XLXI.

1625. Death of the king.

No prince, so little enterprising and so inoffensive, was ever so much exposed to the opposite extremes of calumny and flattery, of satire and panegyric. And the factions, which began in his time, being still continued, have made his character be as much disputed to this day, as is commonly that of princes who are our contemporaries. Many virtues, however, it must be owned, he was possessed of; but scarce any of them pure, or free from the contagion of the neighbouring vices. His generosity bordered on profusion; his learning, on pedantry; his pacific disposition, on pusillanimity; his wisdom, on cunning; his friendship, on light fancy and boyish fondness. While he imagined that he was only maintaining his own authority, he may perhaps be suspected, in a few of his actions, and still more of his pretensions, to have somewhat encroached on the liberties of his people: While he endeavoured, by an exact neutrality, to acquire the good-will of all his neighbours, he was able to preserve fully the esteem and regard of none. His capacity was considerable; but fitter to discourse on general maxims than to conduct any intricate business. His intentions were just; but more adapted to the conduct of private life, than to the government of kingdoms. Aukward in his person, and ungainly in his manners, he was ill qualified

His character.

m Rushworth, vol. i. p. 155.

to

CHAP. XLIX. 1625.

to command reſpect; partial and undiſcerning in his affections, he was little fitted to acquire general love. Of a feeble temper more than of a frail judgment: Expoſed to our ridicule from his vanity; but exempt from our hatred by his freedom from pride and arrogance. And, upon the whole, it may be pronounced of his character, that all his qualities were ſullied with weakneſs and embelliſhed by humanity. Of political courage he certainly was deſtitute; and thence chiefly is derived the ſtrong prejudice which prevails againſt his perſonal bravery: An inference, however, which muſt be owned, from general experience, to be extremely fallacious.

He was only once married, to Anne of Denmark, who died on the 3d of March 1619, in the forty-fifth year of her age; a woman eminent neither for her vices nor her virtues. She loved ſhows and expenſive amuſements; but poſſeſſed little taſte in her pleaſures. A great comet appeared about the time of her death; and the vulgar eſteemed it the prognoſtic of that event. So conſiderable in their eyes are even the moſt inſignificant princes.

He left only one ſon, Charles, then in the 25th year of his age; and one daughter, Elizabeth, married to the Elector Palatine. She was aged twenty-nine years. Thoſe alone remained of ſix legitimate children born to him. He never had any illegitimate; and he never diſcovered any tendency, even the ſmalleſt, towards a paſſion for any miſtreſs.

The archbiſhops of Canterbury, during this reign, were Whytgift, who died in 1604; Bancroft in 1610; Abbot, who ſurvived the king. The chancellors, Lord Elleſmore, who reſigned in 1617; Bacon was firſt lord keeper till 1619; then was created chancellor, and was diſplaced in 1621; Williams, biſhop of Lincoln, was created lord keeper in his place. The high treaſurers were, the earl of Dorſet, who died in 1609; the earl of Saliſbury in 1612; the earl of Suffolk fined and diſplaced for bribery in 1618;

1618; Lord Mandeville, reſigned in 1621; the earl of Middleſex, diſplaced in 1624; the earl of Marlborough ſucceeded. The lord admirals were, the earl of Nottingham, who reſigned in 1618; the earl, afterwards duke of Buckingham. The ſecretaries of ſtate were, the earl of Saliſbury, Sir Ralph Winwood, Nanton, Calvert, Lord Conway, Sir Albertus Moreton. CHAP. XLIX. 1625.

The numbers of the houſe of lords in the firſt parliament of this reign, were ſeventy-eight temporal peers. The numbers in the firſt parliament of Charles were ninety-ſeven. Conſequently James, during that period, created nineteen new peerages above thoſe that expired.

The houſe of commons, in the firſt parliament of this reign, conſiſted of four hundred and ſixty ſeven members. It appears, that four boroughs revived their charters, which they had formerly neglected. And as the firſt parliament of Charles conſiſted of four hundred and ninety-four members, we may infer that James created ten new boroughs.

APPENDIX

APPENDIX

TO TH

REIGN OF JAMES I.*

Civil government of England during this period—— Eccleſiaſtical government——Manners——Finances ——Navy——Commerce——Manufactures——— Colonies——Learning and arts.

IT may not be improper, at this period, to make a pauſe, and to take a ſurvey of the ſtate of the kingdom, with regard to government, manners, finances, arms, trade, learning. Where a juſt notion is not formed of theſe particulars, hiſtory can be little inſtructive, and often will not be intelligible.

Civil government of England.

We may ſafely pronounce, that the Engliſh government, at the acceſſion of the Scottiſh line, was much more arbitrary than it is at preſent, the prerogative leſs limited, the liberties of the ſubject leſs accurately defined and ſecured. Without mentioning other particulars, the courts alone of high commiſ-

*This hiſtory of the houſe of Stuart was written and publiſhed by the author before the hiſtory of the houſe of Tudor: Hence it happens that ſome paſſages, particularly in the preſent Appendix, may ſeem to be repetitions of what was formerly delivered in the reign of Elizabeth. The author, in order to obviate this objection, has cancelled ſome few paſſages in the foregoing chapters.

ſion

Appendix. sion and ſtar-chamber were ſufficient to lay the whole kingdom at the mercy of the prince.

The court of high commiſſion had been erected by Elizabeth, in conſequence of an act of parliament, paſſed in the beginning of her reign: By this act, it was thought proper, during the great revolution of religion, to arm the ſovereign with full powers, in order to diſcourage and ſuppreſs oppoſition. All appeals from the inferior eccleſiaſtical courts were carried before the high commiſſion; and of conſequence, the whole life and doctrine of the clergy lay directly under its inſpection. Every breach of the act of uniformity, every refuſal of the ceremonies, was cognizable in this court; and during the reign of Elizabeth, had been puniſhed by deprivation, by fine, confiſcation and impriſonment. James contented himſelf with the gentler penalty of deprivation; nor was that puniſhment inflicted with rigour on every offender. Archbiſhop Spotſwood tells us, that he was informed by Bancroft, the primate, ſeveral years after the king's acceſſion, that not above forty-five clergymen had then been deprived. All the Catholics too were liable to be puniſhed by this court, if they exerciſed any act of their religion, or ſent abroad their children, or other relations, to receive that education which they could not procure them in their own country. Popiſh prieſts were thrown into priſon, and might be delivered over to the law, which puniſhed them with death; though that ſeverity had been ſparingly exerciſed by Elizabeth, and never almoſt by James. In a word, that liberty of conſcience, which we ſo highly and ſo juſtly value at preſent, was totally ſuppreſſed; and no exerciſe of any religion but the eſtabliſhed, was permitted throughout the kingdom. Any word or writing which tended towards hereſy or ſchiſm, was puniſhable by the high commiſſioners, or any three of them: They alone were judges what expreſſions had that tendency:

tendency: They proceeded not by information, but upon rumour, ſuſpicion, or according to their diſcretion: They adminiſtered an oath, by which the party cited before them was bound to anſwer any queſtion which ſhould be propounded to him:—Whoever refuſed this oath, though he pleaded ever ſo juſtly, that he might thereby be brought to accuſe himſelf or his deareſt friend, was puniſhable by impriſonment: And in ſhort, an inquiſitorial tribunal, with all its terrors and iniquities, was erected in the kingdom. Full diſcretionary powers were beſtowed with regard to the enquiry, trial, ſentence, and penalty inflicted; excepting only that corporal puniſhments were reſtrained by that patent of the prince, which erected the court, not by the act of parliament, which empowered him. By reaſon of the uncertain limits, which ſeparate eccleſiaſtical from civil cauſes, all accuſations of adultery and inceſt were tried by the court of high commiſſion; and every complaint of wives againſt their huſbands was there examined and diſcuſſed [o]. On like pretences, every cauſe which regarded conſcience, that is, every cauſe, could have been brought under their juriſdiction. Appendix.

But there was a ſufficient reaſon, why the king would not be ſolicitous to ſtretch the juriſdiction of this court: The ſtar-chamber poſſeſſed the ſame authority in civil matters; and its methods of proceeding were equally arbitrary and unlimited. The origin of this court was derived from the moſt remote antiquity [p]; though it is pretended, that its power had firſt been carried to the greateſt height by Henry VII. In all times, however, it is confeſſed, it en-

o Rymer, tom. xvii. p. 200.

p Ruſhworth, vol. ii. p. 473. In Chamber's caſe it was the unanimous opinion of the court of King's Bench, that the court of ſtar-chamber was not derived from the ſtatute of Henry VII. but was a court many years before, and one of the moſt high and honourable courts of juſtice. See Coke's rep. term. Mich. 5 Car. I.—See further Camden's Brit. vol. i. Introd. p. 254. Edit. of Gibſon.

joyed

Appendix. joyed authority; and at no time was its authority circumſcribed, or method of proceeding directed, by any law or ſtatute.

We have had already, or ſhall have ſufficient occaſion, during the courſe of this hiſtory, to mention the diſpenſing power, the power of impriſonment, of exacting loans [q] and benevolence, of preſſing and quartering ſoldiers, of altering the cuſtoms, of erecting monopolies. Theſe branches of power, if not directly oppoſite to the principles of all free government, muſt, at leaſt, be acknowledged dangerous to freedom in a monarchical conſtitution, where an eternal jealouſy muſt be preſerved againſt the ſovereign, and no diſcretionary powers muſt ever be entruſted to him, by which the property or perſonal liberty of any ſubject can be affected. The kings of England, however, had almoſt conſtantly exerciſed theſe powers; and if, on any occaſion, the prince had been obliged to ſubmit to laws enacted againſt them, he had ever, in practice, eluded theſe laws, and returned to the ſame arbitrary adminiſtration. During almoſt three centuries before the acceſſion of James, the regal authority, in all theſe particulars, had never once been called in queſtion.

We may alſo obſerve, that the principles in general which prevailed during that age, were ſo favourable to monarchy, that they beſtowed on it an authority almoſt abſolute and unlimited, ſacred and indefeaſible.

The meetings of parliament were ſo precarious; their ſeſſions ſo ſhort, compared to the vacations; that, when men's eyes were turned upwards in ſearch of ſovereign power, the prince alone was apt to ſtrike them as the only permanent magiſtrate, inveſted with the whole majeſty and authority of the ſtate. The great complaiſance too of parliaments, during

q During ſeveral centuries, no reign had paſſed without ſome forced loans from the ſubject.

ſo

ſo long a period, had extremely degraded and obſcured thoſe aſſemblies; and as all inſtances of oppoſition to prerogative muſt have been drawn from a remote age, they were unknown to a great many, and had the leſs authority even with thoſe who were acquainted with them. Theſe examples, beſides, of liberty had commonly, in ancient times, been accompanied with ſuch circumſtances of violence, convulſion, civil war, and diſorder, that they preſented but a diſagreeable idea to the inquiſitive part of the people, and afforded ſmall inducement to renew ſuch diſmal ſcenes. By a great many, therefore, monarchy, ſimple and unmixed, was conceived to be the government of England; and theſe popular aſſemblies were ſuppoſed to form only the ornament of the fabric, without being, in any degree, eſſential to its being and exiſtence [r]. The prerogative of the crown was repreſented by lawyers as ſomething real and durable; like thoſe eternal eſſences of the ſchools, which no time or force could alter. The ſanction of religion was, by divines, called in aid; and the Monarch of heaven was ſuppoſed to be intereſted in ſupporting the authority of his earthly vicegerent. And though it is pretended, that theſe doctrines were more openly inculcated and more ſtrenuouſly inſiſted on during the reign of the Stuarts, they were not then invented; and were only found by the court to be more neceſſary at that period, by reaſon of the oppoſite doctrines which *began* to be promulgated by the puritanical party [e].

Appendix.

In conſequence of theſe exalted ideas of kingly authority, the prerogative, beſides the articles of juriſdiction, founded on precedent, was, by many, ſuppoſed to poſſeſs an inexhauſtible fund of latent powers, which might be exerted on any emergence. In every government, neceſſity, when real, ſuperſedes all laws,

r See note [Q] at the end of the volume.

e See note [R] at the end of the volume.

Appendix. and levels all limitations: But in the Engliſh government, convenience alone was conceived to authoriſe any extraordinary act of regal power, and to render it obligatory on the people. Hence the ſtrict obedience required to proclamations, during all periods of the Engliſh hiſtory; and, if James has incurred blame on account of his edicts, it is only becauſe he too frequently iſſued them at a time when they began to be leſs regarded, not becauſe he firſt aſſumed or extended to an unuſual degree that exerciſe of authority. Of his maxims in a parallel caſe, the following is a pretty remarkable inſtance.

Queen Elizabeth had appointed commiſſioners for the inſpection of priſons, and had beſtowed on them full diſcretionary powers to adjuſt all differences between priſoners and their creditors, to compound debts, and to give liberty to ſuch debtors as they found honeſt and inſolvent. From the uncertain and undefined nature of the Engliſh conſtitution, doubts ſprung up in many, that this commiſſion was contrary to law; and it was repreſented in that light to James. He forbore therefore renewing the commiſſion, till the fifteenth of his reign; when complaints roſe ſo high, with regard to the abuſes practiſed in priſons, that he thought himſelf obliged to overcome his ſcruples, and to appoint new commiſſioners, inveſted with the ſame diſcretionary powers which Elizabeth had formerly conferred[u].

Upon the whole, we muſt conceive that monarchy, on the acceſſion of the houſe of Stuart, was poſſeſſed of a very extenſive authority: An authority, in the judgment of all, not exactly limited; in the judgment of ſome, not limitable. But, at the ſame time, this authority was founded merely on the opinion of the people, influenced by ancient precedent and example. It was not ſupported either by money or by force of arms. And, for this reaſon, we need

[u] Rymer, tom. xviii. p. 117. 594.

not

not wonder, that the princes of that line were ſo extremely jealous of their prerogative; being ſenſible, that when theſe claims were raviſhed from them, they poſſeſſed no influence by which they could maintain their dignity, or ſupport the laws. By the changes which have ſince been introduced, the liberty and independence of individuals has been rendered much more full, intire, and ſecure; that of the public more uncertain and precarious. And it ſeems a neceſſary, though perhaps a melancholy truth, that, in every government, the magiſtrate muſt either poſſeſs a large revenue and a military force, or enjoy ſome diſcretionary powers, in order to execute the laws, and ſupport his own authority. Appendix.

We have had occaſion to remark, in ſo many inſtances, the bigotry which prevailed in that age, that we can look for no toleration among the different ſects. Two Arians, under the title of heretics, were puniſhed by fire during this period; and no one reign ſince the reformation had been free from like barbarities. Stowe ſays, that theſe Arians were offered their pardon at the ſtake, if they would merit it by a recantation. A mad-man, who called himſelf the Holy Ghoſt, was, without any indulgence for his frenzy, condemned to the ſame puniſhment. Twenty pounds a month could, by law, be levied on every one who frequented not the eſtabliſhed worſhip. This rigorous law, however, had one indulgent clauſe, that the fines exacted ſhould not exceed two thirds of the yearly income of the perſon. It had been uſual for Elizabeth to allow thoſe penalties to run on for ſeveral years, and to levy them all at once, to the utter ruin of ſuch Catholics as had incurred her diſpleaſure. James was more humane in this, as in every other reſpect. The puritians formed a ſect, which ſecretly lurked in the church, but pretended not to any ſeparate worſhip or diſcipline. An attempt of that kind would have Eccleſiaſtical government.

Appendix. been univerſally regarded as the moſt unpardonable enormity. And had the king been diſpoſed to grant the puritians a full toleration for a ſeparate exerciſe of their religion, it is certain, from the ſpirit of the times, that this ſect itſelf would have deſpiſed and hated him for it, and would have reproached him with lukewarmneſs and indifference in the cauſe of religion. They maintained, that they themſelves were the only pure church; that their principles and practices ought to be eſtabliſhed by law; and that no others ought to be tolerated. It may be queſtioned, therefore, whether the adminiſtration at this time could with propriety deſerve the appellation of perſecutors with regard to the puritans. Such of the clergy, indeed, as refuſed to comply with the legal ceremonies, were deprived of their livings, and ſometimes, in Elizabeth's reign, were otherwiſe puniſhed: And ought any man to accept of an office or benefice in an eſtabliſhment, while he declines compliance with the fixed and known rules of that eſtabliſhment? But puritians were never puniſhed for frequenting ſeparate congregations; becauſe there were none ſuch in the kingdom; and no Proteſtant ever aſſumed or pretended to the right of erecting them. The greateſt well-wiſhers of the puritanical ſect would have condemned a practice, which in that age was univerſally, by ſtateſmen and eccleſiaſtics, philoſophers and zealots, regarded as ſubverſive of civil ſociety. Even ſo great a reaſoner as lord Bacon, thought that uniformity in religion was abſolutely neceſſary to the ſupport of government, and that no toleration could with ſafety be given to ſectaries[w]. Nothing but the imputation of idolatry, which was thrown on the Catholic religion, could juſtify, in the eyes of the puritians themſelves, the ſchiſm made by the Hugonots and other proteſtants, who lived in popiſh countries.

w See his eſſay, *De Unitate Eccleſiæ.*

In

In all former ages, not wholly excepting even thoſe of Greece and Rome, religious ſects and hereſies and ſchiſms had been eſteemed dangerous, if not pernicious to civil government, and were regarded as the ſource of faction, and private combination, and oppoſition to the laws [x]. The magiſtrate, therefore, applied himſelf directly to the cure of this evil as of every other: and very naturally attempted, by penal ſtatutes, to ſuppreſs thoſe ſeparate communities, and puniſh the obſtinate innovators. But it was found, by fatal experience, and after ſpilling an ocean of blood in thoſe theological quarrels, that the evil was of a peculiar nature, and was both inflamed by violent remedies, and diffuſed itſelf more rapidly throughout the whole ſociety. Hence, though late, aroſe the paradoxical principle and ſalutary practice of toleration. Appendix.

The liberty of the preſs was incompatible with ſuch maxims and ſuch principles of government as then prevailed, and was therefore quite unknown in that age. Beſides employing the two terrible courts of ſtar chamber and high commiſſion, whoſe powers were unlimited, Queen Elizabeth exerted her authority by reſtraints upon the preſs. She paſſed a decree in her court of ſtar chamber, that is, by her own will and pleaſure, forbidding any book to be printed in any place but in London, Oxford, and Cambridge [y]: and another, in which ſhe prohibited, under ſevere penalties, the publiſhing of any book or pamphlet *againſt the form or meaning of any reſtraint or ordinance, contained, or to be contained, in any ſtatute or laws of this realm, or in any injunction made or ſet forth by her majeſty or her privy-council, or againſt the true ſenſe or meaning of any letters patent, commiſſions or prohibitions under the great ſeal of England* [z]. James extended the ſame penalties to the importing of ſuch

x See Cicero de legibus. Sir Robert Knightly, vol. vii. edit. 4.
y 28th Elizabeth. See State Trials. z Rymer, tom. xvii. p. 522.

Appendix. books from abroad [z]. And, to render these edicts more effectual, he afterwards inhibited the printing of any book without a license from the archbishop of Canterbury, the archbishop of York, the bishop of London, or the vice-chancellor of one of the universities, or of some person appointed by them [a].

In tracing the coherence among the systems of modern theology, we may observe, that the doctrine of absolute decrees has ever been intimately connected with the enthusiastic spirit; as that doctrine affords the highest subject of joy, triumph, and security to the supposed elect, and exalts them, by infinite degrees, above the rest of mankind. All the first reformers adopted these principles; and the Jansenists too, a fanatical sect in France, not to mention the Mahometans in Asia, have ever embraced them. As the Lutheran establishments were subjected to episcopal jurisdiction, their enthusiastic genius gradually decayed, and men had leisure to perceive the absurdity of supposing God to punish, by infinite torments, what he himself, from all eternity, had unchangeably decreed. The king, though at this time his Calvinistic education had rivetted him in the doctrine of absolute decrees, yet, being a zealous partizan of episcopacy, was insensibly engaged, towards the end of his reign, to favour the milder theology of Arminius. Even in so great a doctor, the genius of the religion prevailed over its speculative tenets; and, with him, the whole clergy gradually dropped the more rigid principles of absolute reprobation and unconditional decrees. Some noise was, at first, made about these innovations; but, being drowned in the fury of factions and civil wars which ensued, the scholastic arguments made an insignificant figure amidst those violent disputes about civil and ecclesiastical power with which the nation was agitated. And

z Id. Ibid.

a Rymer, tom. xvii. p. 616.

at

at the reſtoration, the church, though ſhe ſtill retained her old ſubſcriptions and articles of faith, was found to have totally changed her ſpeculative doctrines, and to have embraced tenets more ſuitable to the genius of her diſcipline and worſhip, without its being poſſible to aſſign the preciſe period in which the alteration was produced. Appendix.

It may be worth obſerving, that James, from his great deſire to promote controverſial divinity, erected a college at Chelſea for the entertainment of twenty perſons, who ſhould be entirely employed in refuting the Papiſts and Puritans [b]. All the efforts of the great Bacon could not procure an eſtabliſhment for the cultivation of natural philoſophy. Even to this day, no ſociety has been inſtituted for the poliſhing and fixing of our language. The only encouragement which the ſovereign in England has ever given to any thing that has the appearance of ſcience was, this ſhort-lived eſtabliſhment of James; an inſtitution quite ſuperfluous, conſidering the unhappy propenſion which at that time ſo univerſally poſſeſſed the nation for polemical theology.

The manners of the nation were agreeable to the monarchical government which prevailed, and contained not that ſtrange mixture which at preſent diſtinguiſhes England from all other countries. Such violent extremes were then unknown of induſtry and debauchery, frugality and profuſion, civility and ruſticity, fanaticiſm and ſcepticiſm. Candour, ſincerity, modeſty, are the only qualities which the Engliſh of that age poſſeſſed in common with the preſent.

High pride of family then prevailed; and it was by a dignity and ſtatelineſs of behaviour that the gentry and nobility diſtinguiſhed themſelves from the common people. Great riches, acquired by com-

b Kennet, p. 685. Camden's Brit. vol. i. p. 370. Gibſon's edit.

Appendix. merce, were more rare, and had not as yet been able to confound all ranks of men, and render money the chief foundation of diſtinction. Much ceremony took place in the common intercourſe of life, and little familiarity was indulged by the great. The advantages which reſult from opulence are ſo ſolid and real, that thoſe who are poſſeſſed of them need not dread the near approaches of their inferiors. The diſtinctions of birth and title, being more empty and imaginary, ſoon vaniſh upon familiar acceſs and acquaintance.

The expences of the great conſiſted in pomp and ſhow, and a numerous retinue, rather than in convenience and true pleaſure. The earl of Nottingham, in his embaſſy to Spain, was attended by 500 perſons: The earl of Hertford, in that to Bruſſels, carried 300 gentlemen along with him. Lord Bacon has remarked, that the Engliſh nobility, in his time, maintained a larger retinue of ſervants than the nobility of any other nation, except perhaps the Polanders [c].

Civil honours, which now hold the firſt place, were at that time ſubordinate to the military. The young gentry and nobility were fond of diſtinguiſhing themſelves by arms. The fury of duels too prevailed more than at any time before or ſince [d]. This was the turn that the romantic chivalry, for which the nation was formerly ſo renowned, had lately taken.

Liberty of commerce between the ſexes was indulged, but without any licentiouſneſs of manners. The court was very little an exception to this obſervation. James had rather entertained an averſion and contempt for the females; nor were thoſe young courtiers, of whom he was ſo fond, able to break thro' the eſtabliſhed manners of the nation.

The firſt ſedan chair ſeen in England was in this reign, and was uſed by the duke of Buckingham; to

c Eſſays de profer. fin. imp.
d Franklyn, p. 5. See alſo Lord Herbert's Memoirs.

the

the great indignation of the people, who exclaimed, Appeal. that he was employing his fellow-creatures to do the ſervice of beaſts.

The country life prevails at preſent in England beyond any cultivated nation of Europe; but it was then much more generally embraced by all the gentry. The increaſe of arts, pleaſures, and ſocial commerce was juſt beginning to produce an inclination for the ſofter and more civilized life of the city. James diſcouraged as much as poſſible this alteration of manners. "He was wont to be very earneſt," as Lord Bacon tells us, with the country gentlemen to "go from London to their country ſeats. And ſome-"times he would ſay thus to them, *Gentlemen, at* "*London, you are like ſhips in a ſea, which ſhow like* "*nothing; but in your country villages, you are like* "*ſhips in a river, which look like great things* [e]."

He was not content with reproof and exhortation. As Queen Elizabeth had perceived with regret, the increaſe of London, and had reſtrained all new buildings by proclamation, James, who found that theſe edicts were not exactly obeyed, frequently renewed them; though a ſtrict execution ſeems ſtill to have been wanting. He alſo iſſued reiterated proclamations, in imitation of his predeceſſor, containing ſevere menaces againſt the gentry who lived in town [f]. This policy is contrary to that which has ever been practiſed by all princes who ſtudied the increaſe of their authority. To allure the nobility to court; to engage them in expenſive pleaſures or employments, which diſſipate their fortune; to increaſe their ſubjection to miniſters by attendance; to weaken their authority in the provinces by abſence; theſe have been the common arts of arbitrary government. But James, beſides that he had certainly laid no plan

[e] Apophthegms. [f] Rymer, tom. xvii. p. 632.

for

Appendix. for extending his power, had no money to support a ſplendid court, or beſtow on a numerous retinue of gentry and nobility. He thought, too, that, by their living together, they became more ſenſible of their own ſtrength, and were apt to indulge too curious reſearches into matters of government. To remedy the preſent evil, he was deſirous of diſperſing them into their country-ſeats; where, he hoped, they would bear a more ſubmiſſive reverence to his authority, and receive leſs ſupport from each other. But the contrary effect ſoon followed. The riches, amaſſed during their reſidence at home, rendered them independant. The influence acquired by hoſpitality made them formidable. They would not be led by the court: they could not be driven: And thus the ſyſtem of the Engliſh government received a total and a ſudden alteration in the courſe of leſs than forty years.

The firſt riſe of commerce and the arts had contributed, in preceding reigns, to ſcatter thoſe immenſe fortunes of the barons, which rendered them ſo formidable both to king and people. The farther progreſs of theſe advantages began, during this reign, to ruin the ſmall proprietors of land[g]; and by both events, the gentry, or that rank which compoſed the houſe of commons, enlarged their power and authority. The early improvements in luxury were ſeized by the greater nobles, whoſe fortunes, placing them above frugality or even calculation, were ſoon diſſipated in expenſive pleaſures. Theſe improvements reached at laſt all men of property; and thoſe of ſlender fortunes, who, at that time were often men of family, imitating thoſe of a rank immediately above them, reduced themſelves to poverty. Their lands coming to ſale, ſwelled the eſtates of thoſe who poſſeſſed riches ſufficient for the faſhionable expences; but who were not exempted from ſome care and attention to their domeſtic œconomy.

g Cabbala, p. 224. firſt edit.

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The gentry also of that age were engaged in no expence, except that of country hospitality. No taxes were levied, no wars waged, no attendance at court expected, no bribery or profusion required at elections [h]. Could human nature ever reach happiness, the condition of the English gentry, under so mild and benign a prince, might merit that appellation. Appendix.

The amount of the king's revenue, as it stood in 1617, is thus stated [i]: Of crown lands, 80,000 l. a-year; by customs and new impositions, near 190,000; by wards and other various branches of revenue, beside purveyance, 180,000. The whole amounting to 450,000 l. The king's ordinary disbursements, by the same account, are said to exceed this sum 36,000 l. [k]. All the extraordinary sums which James had raised by subsidies, loans, sale of lands, sale of the title of baronet, money paid by the states, and by the king of France, benevolences, &c. were, in the whole, about 2,200,000 l. Of which the sale of lands afforded 775,000 l. The extraordinary disbursements of the king amounted to two millions; beside above 400,000 l. given in presents. Upon the whole, a sufficient reason appears, partly from necessary expences, partly for want of a rigid œconomy, why the king, even early in his reign, was deeply involved in debt, and found great difficulty to support the government. Finances.

h Men seem then to have been ambitious of representing the counties, but careless of the boroughs. A seat in the house was, in itself, of small importance: But the former became a point of honour among the gentlemen. Journ. 10 Feb. 1620. Towns, which had formerly neglected their right of sending members, now began to claim it. Journ. 26th Feb. 1623.

i An abstract, or brief declaration of his Majesty's revenue, with the assignations and defalcations upon the same.

k The excess was formerly greater, as appears by Salisbury's account.—See chap. 2.

Farmers,

Appendix. Farmers, not commiſſioners, levied the cuſtoms. It ſeems, indeed, requiſite, that the former method ſhould always be tried before the latter; though a preferable one. When men's own intereſt is concerned, they fall upon a hundred expedients to prevent frauds in the merchants; and theſe the public may afterwards imitate, in eſtabliſhing proper rules for its officers.

The cuſtoms were ſuppoſed to amount to five *per cent.* of the value, and were levied upon exports, as well as imports. Nay, the impoſition upon exports, by James's additions, is ſaid to amount, in ſome few inſtances, to twenty-five *per cent.* This practice, ſo hurtful to induſtry, prevails ſtill in France, Spain, and moſt countries of Europe. The cuſtoms in 1604, yielded 127,000 l. a-year[1]: They roſe to 190,000 l. towards the end of the reign.

Intereſt, during this reign, was at ten *per cent.* till 1624, when it was reduced to eight. This high intereſt is an indication of the great profits and ſmall progreſs of commerce.

The extraordinary ſupplies granted by parliament, during this whole reign, amounted not to more than 630,000 pounds; which, divided among twenty-one years, makes 30,000 pounds a-year. I do not include thoſe ſupplies, amounting to 300,000 pounds, which were given to the king by his laſt parliament. Theſe were paid in to their own commiſſioners; and the expences of the Spaniſh war were much more than ſufficient to exhauſt them. The diſtreſſed family of the Palatine was a great burden on James, during part of his reign. The king, it is pretended, poſſeſſed not frugality proportioned to the extreme narrowneſs of his revenue. Splendid equipages, however, he did not affect, nor coſtly furniture, nor a luxurious table, nor prodigal miſtreſſes. His build-

1 Journ. 21ſt May, 1604.

ings

ings too were not ſumptuous; though the banqueting-houſe muſt not be forgotten, as a monument which does honour to his reign. Hunting was his chief amuſement, the cheapeſt pleaſure in which a king can indulge himſelf. His expences were the effects of liberality rather than of luxury. Appendix.

One day, it is ſaid, while he was ſtanding amidſt ſome of his courtiers, a porter paſſed by, loaded with money, which he was carrying to the treaſury. The king obſerved, that Rich, afterwards earl of Holland, one of his handſome agreeable favourites, whiſpered ſomething to one ſtanding near him. Upon enquiry, he found, that Rich had ſaid, *how happy would that money make me!* Without heſitation, James beſtowed it all upon him, though it amounted to 3000 pounds. He added, *You think yourſelf very happy in obtaining ſo large a ſum; but I am more happy in having an opportunity of obliging a worthy man whom I love.* The generoſity of James was more the reſult of a benign humour or light fancy, than of reaſon or judgment. The objects of it were ſuch as could render themſelves agreeable to him in his looſe hours; not ſuch as were endowed with great merit, or who poſſeſſed talents or popularity, which could ſtrengthen his intereſt with the public.

The ſame advantage, we may remark, over the people, which the crown formerly reaped from that interval between the fall of the peers and riſe of the commons, was now poſſeſſed by the people againſt the crown, during the continuance of a like interval. The ſovereign had already loſt that independent revenue, by which he could ſubſiſt without regular ſupplies from parliament; and he had not yet acquired the means of influencing thoſe aſſemblies. The effects of this ſituation, which commenced with the acceſſion of the houſe of Stuart, ſoon roſe to a great height,

and

Appendix. and were more or leſs propagated throughout all the reigns of that unhappy family.

Subſidies and fifteenths are frequently mentioned by hiſtorians; but neither the amount of theſe taxes, nor the method of levying them, had been well explained. It appears, that the fifteenths formerly correſponded to the name, and were that proportionable part of the moveables[m]. But a valuation having been made, in the reign of Edward III. that valuation was always adhered to, and each town paid unalterably a particular ſum, which the inhabitants themſelves aſſeſſed upon their fellow citizens. The ſame tax in corporate towns was called a tenth; becauſe, there, it was, at firſt, a tenth of the moveables. The whole amount of a tenth and a fifteenth throughout the kingdom, or a fifteenth, as it is often more conciſely called, was about 29,000 l.[n] The amount of a ſubſidy was not invariable, like that of a fifteenth. In the eight of Elizabeth, a ſubſidy amounted to 120,000 l. In the fortieth, it was not above 78,000 l.[o] It afterwards fell to 70,000 l. and was continually decreaſing[p]. The reaſon is eaſily collected from the method of levying it. We may learn from the ſubſidy bills[q], that one ſubſidy was given for four ſhillings in the pound on land, and two ſhillings and eight-pence on moveables throughout the counties; a conſiderable tax, had it been ſtrictly levied. But this was only the ancient ſtate of a ſubſidy. During the reign of James, there was not paid the twentieth part of that ſum. The tax was ſo far perſonal, that a man paid only in the county where he lived, though he ſhould poſſeſs eſtates in other counties; and the aſſeſſors formed a looſe eſtimation of his property, and rated him accordingly. To preſerve, however, ſome rule in the eſtima-

m Coke's Inſt. book iv. chap. i. of fifteenths, quinzins.
n Id. ſubſidies temporary.
o Journ. 11 July 1620.
p Coke's Inſt. book iv. chap. i. ſubſidies temporary.
q See Statutes at Large.

tion,

tion, it ſeems to have been the practice to keep an eye to former aſſeſſments, and to rate every man according as his anceſtors, or men of ſuch an eſtimated property, were accuſtomed to pay. This was a ſufficient reaſon, why ſubſides could not increaſe, notwithſtanding the great increaſe of money and riſe of rents. But there was an evident reaſon, why they continually decreaſed. The favour, as is natural to ſuppoſe, ran always againſt the crown; eſpecially during the latter end of Elizabeth, when ſubſidies became numerous and frequent, and the ſums levied were conſiderable, compared to former ſupplies. The aſſeſſors, though accuſtomed to have an eye to ancient eſtimations, were not bound to obſerve any ſuch rule; but might rate anew any perſon, according to his preſent income. When rents fell, or parts of an eſtate were ſold off, the proprietor was ſure to repreſent theſe loſſes, and obtain a diminution of his ſubſidy; but where rents roſe, or new lands were purchaſed, he kept his own ſecret, and paid no more than formerly. The advantage, therefore, of every change was taken againſt the crown; and the crown could obtain the advantage of none. And to make the matter worſe, the alterations which happened in property during this age, were in general unfavourable to the crown. The ſmall proprietors, or twenty pound men, went continually to decay; and when their eſtates were ſwallowed up by a greater, the new purchaſer encreaſed not his ſubſidy. So looſe indeed is the whole method of rating ſubſidies, that the wonder was not how the tax ſhould continually diminiſh, but how it yielded any revenue at all. It became at laſt ſo unequal and uncertain, that the parliament was obliged to change it into a land-tax. Appendix.

The price of corn during this reign, and that of the other neceſſaries of life, was no lower, or was rather higher than at preſent. By a proclamation of James,

Appendix. James, eſtabliſhing public magazines, whenever wheat fell below thirty-two ſhillings a-quarter, rye below eighteen, barley below ſixteen, the commiſſioners were empowered to purchaſe corn for the magazines[r]. Theſe prices then are to be regarded as low; though they would rather paſs for high by our preſent eſtimation. The uſual bread of the poor was at this time made of barley[s]. The beſt wool, during the greater part of James's reign, was at thirty-three ſhillings a tod[t]: At preſent, it is not above two-thirds of that value; though it is to be preſumed, that our exports in woollen goods are ſomewhat encreaſed. The finer manufactures too, by the progreſs of arts and induſtry have rather diminiſhed in price, notwithſtanding the great encreaſe of money. In Shakeſpare, the hoſteſs tells Falſtaff, that the ſhirts ſhe bought him were holland at eight ſhillings a-yard; a high price at this day, even ſuppoſing, what is not probable, that the beſt holland at that time was equal in goodneſs to the beſt that can now be purchaſed. In like manner, a yard of velvet, about the middle of Elizabeth's reign, was valued at two-and-twenty ſhillings. It appears, from Dr Birch's life of Prince Henry[u], that that prince, by contract with his butcher, paid near a groat a-pound throughout the year, for all the beef and mutton uſed in his family. Beſides, we muſt conſider, that the general turn of that age, which no laws could prevent, was the converting of arable land into paſture: A certain proof that the latter was found more profitable, and conſequently that all butcher's meat, as well as bread, was rather higher than at preſent. We have a regulation of the market with regard to poultry and ſome other articles, very early in Charles I.'s reign[w]; and the prices are high. A turkey cock four ſhillings and

r Rymer, tom. xvii. p. 526. To the ſame purpoſe, ſee alſo 21 Jac. vi. cap. 28.

s Rymer, tom. xx. p. 157.

t See a compendium or dialogue inſerted in the Memoirs of Wool, c. 23.

u P. 429.

w Rymer, tom. xix. p. 511.

ſixpence

ſixpence, a turkey hen three ſhillings, a pheaſant cock ſix, a pheaſant hen five, a partridge one ſhilling, a gooſe two, a capon two and ſixpence, a pullet one and ſixpence, a rabbit eight pence, a dozen of pigeons ſix ſhillings[x]. We muſt conſider, that London at preſent is more than three times more populous than it was at that time: A circumſtance which much encreaſes the price of poultry, and of every thing that cannot conveniently be brought from a diſtance: Not to mention, that theſe regulations by authority are always calculated to diminiſh, never to encreaſe the market-prices. The contractors for victualing the navy were allowed by government eight pence a-day for the diet of each man when in harbour, ſeven-pence halfpenny when at ſea[y]; which would ſuffice at preſent. The chief difference in expence between that age and the preſent conſiſts in the imaginary wants of men, which have ſince extremely multiplied. Theſe[z] are the principal reaſons why James's revenue would go farther than the ſame money in our time; though the difference is not near ſo great as is uſually imagined. Appendix.

The public was entirely free from the danger and expence of a ſtanding army. While James was vaunting his divine vicegerency, and boaſting of his high prerogative, he poſſeſſed not ſo much as a ſingle regiment of guards to maintain his extenſive claims: A ſufficient proof that he ſincerely believed his pretenſions to be well grounded, and a ſtrong preſumption that they were at leaſt built on what were then deemed plauſible arguments. The militia of Eng- Arms.

x We may judge of the great grievance of purveyance by this circumſtance, that the purveyors often gave but ſixpence for a dozen of pigeons, and two pence for a fowl. Journ. 25th May, 1626.

y Rymer, tom. xvii. p. 441. et ſeq.

z This volume was written above twenty years before the preſent edition of 1778. In that ſhort period, prices have perhaps riſen more, than during the preceding hundred and fifty.

Appendix. land, amounting to 160,000 men [a], was the ſole defence of the kingdom. It is pretended that they were kept in good order during this reign [b]. The city of London procured officers who had ſerved abroad, and who taught the trained bands their exerciſes in Artillery Garden; a practice which had been diſcontinued ſince 1588. All the counties of England, in emulation of the capital, were fond of ſhowing a well-ordered and well-appointed militia. It appeared, that the natural propenſity of men towards military ſhows and exerciſes will go far, with a little attention in the ſovereign, towards exciting and ſupporting this ſpirit in any nation. The very boys, at this time, in mimickry of their elders, inliſted themſelves voluntarily into companies, elected officers, and practiſed the diſcipline, of which the models were every day expoſed to their view [c]. Sir Edward Harwood, in a memorial compoſed at the beginning of the ſubſequent reign, ſays, that England was ſo unprovided with horſes fit for war, that 2000 men could not poſſibly be mounted throughout the whole kingdom [d]. At preſent, the breed of horſes is ſo much improved, that almoſt all thoſe which are employed, either in the plough, waggon, or coach, would be fit for that purpoſe.

The diſorders of Ireland obliged James to keep up ſome forces there, and put him to great expence. The common pay of a private man in the infantry was eight pence a-day, a lieutenant two ſhillings, an enſign eighteen pence [e]. The armies in Europe were not near ſo numerous during that age; and the private men, we may obſerve, were drawn from a better rank than at preſent, and approaching nearer to that of the officers.

a Journ. 1ſt March, 1623. c Stowe.

b Stowe. See alſo Sir Walter [illegible]d In the Harleyan Miſcellany, vol. leigh of the Prerogatives of Parli[illegible] iv. p. 255.
ment, and Johnſtoni Hiſt. lib. xviii. [illegible] Rymer, tom. xvi. p. 717.

In

In the year 1583, there was a general review made of all the men in England capable of bearing arms; and these were found to amount to 1,172,000 men, according to Raleigh[f]. It is impossible to warrant the exactness of this computation; or, rather, we may fairly presume it to be somewhat inaccurate. But if it approached near the truth, England has probably, since that time, increased in populousness. The growth of London, in riches and beauty, as well as in numbers of inhabitants, has been prodigious. From 1600, it doubled every forty years[g]; and, consequently, in 1680, it contained four times as many inhabitants as at the beginning of the century. It has ever been the centre of all the trade in the kingdom; and almost the only town that affords society and amusement. The affection which the English bear to a country life makes the provincial towns be little frequented by the gentry. Nothing but the allurements of the capital, which is favoured by the residence of the king, and by being the seat of government, and of all the courts of justice, can prevail over their passions for their rural villas. Appendix.

London, at this time, was almost entirely built of wood, and in every respect was certainly a very ugly city. The earl of Arundel first introduced the general practice of brick buildings[h].

The navy of England was esteemed formidable in Elizabeth's time, yet it consisted only of thirty-three ships, besides pinnaces[i]: And the largest of these would not equal our fourth-rates at present. Raleigh Navy.

f Of the invention of shipping. This number is much superior to that contained in Murden, and that delivered by Sir Edward Coke to the house of commons; and is more likely.

g Sir William Petty.

h Sir Edward Walker's Political Discourses, p. 270.

i Coke's Inst. book iv. chap. 1. Consultation in parliament for the navy.

Appendix. adviſes never to build a ſhip of war above 600 tons[k]. James was not negligent of the navy. In five years preceding 1623, he built ten new ſhips, and expended fifty thouſand pounds a-year on the fleet, beſides the value of thirty-ſix thouſand pounds in timber, which he annually gave from the royal foreſts[l]. The largeſt ſhip that had ever come from the Engliſh docks was built during this reign. She was only 1400 tons, and carried ſixty-four guns[m]. The merchant ſhips, in caſes of neceſſity, were inſtantly converted into ſhips of war. The king affirmed to the parliament, that the navy had never before been in ſo good a condition[n].

Commerce. Every ſeſſion of parliament, during this reign, we meet with grievous lamentations concerning the decay of trade, and the growth of Popery: Such violent propenſity have men to complain of the preſent times, and to entertain diſcontent againſt their fortune and condition. The king himſelf was deceived by theſe popular complaints, and was at a loſs to account for the total want of money, which he heard ſo much exaggerated[o]. It may, however, be affirmed, that, during no preceding period of Engliſh hiſtory, was there a more ſenſible encreaſe, than during the reign of this monarch, of all the advantages which diſtinguiſh a flouriſhing people. Not only the peace which he maintained was favourable to induſtry and commerce: His turn of mind inclined him to promote the peaceful arts: And trade being as yet in its infancy, all additions to it muſt have been the more evi-

k By Raleigh's account, in his Diſcourſe of the firſt invention of ſhipping, the fleet, in the twenty-fourth of the queen, conſiſted only of thirteen ſhips, and were augmented afterwards eleven. He probably reckoned ſome to be pinnaces, which Coke called ſhips.

l Journ. 11th March, 1623. Sir William Monſon makes the number amount only to nine new ſhips, p. 253.

m Stowe.

n Parl. Hiſt. vol. vi. p. 94.

o Rymer, tom. xvii. p. 413.

dent

dent to every eye, which was not blinded by melancholy prejudices [p]. Appendix.

By an account [q], which ſeems judicious and accurate, it appears, that all the ſeamen employed in the merchant ſervice amounted to 10,000 men, which probably exceeds not the fifth part of their preſent number. Sir Thomas Overbury ſays, that the Dutch poſſeſſed three times more ſhipping than the Engliſh, but that their ſhips were of inferior burden to thoſe of the latter [r]. Sir William Monſon computed the Engliſh naval power to be little or nothing inferior to the Dutch [s], which is ſurely an exaggeration. The Dutch at this time traded to England with 600 ſhips; England to Holland with 60 only [t].

A catalogue of the manufactures, for which the Engliſh were then eminent, would appear very contemptible, in compariſon of thoſe which flouriſh among them at preſent. Almoſt all the more elaborate and curious arts were only cultivated abroad, particularly in Italy, Holland, and the Netherlands. Ship-building, and the founding of iron cannon, were the ſole in which the Engliſh excelled. They ſeem, indeed, to have poſſeſſed alone the ſecret of the latter; and great complaints were made every parliament againſt the exportation of Engliſh ordnance. Manufactures.

Nine-tenths of the commerce of the kingdom conſiſted in woollen goods [u]. Wool, however, was allowed to be exported, till the 19th of the king. Its exportation was then forbidden by proclamation; though that edict was never ſtrictly executed. Moſt of the cloth was exported raw, and was dyed and dreſſed by the Dutch; who gained, it is pretend-

p See note [S] at the end of the volume.
q The trade's encreaſe, in the Harleyan Miſc. vol. iii.
r Remarks on his Travels, Harl. Miſc. vol. ii. p. 349.
s Naval Tracts, p. 329. 350.
t Raleigh's Obſervations.
u Journ. 26th May, 1621.

Appendix. ed, 700,000 l. a-year by this manufacture [w]. A proclamation, iſſued by the king, againſt exporting cloth in that condition, had ſucceeded ſo ill, during one year, by the refuſal of the Dutch to buy the dreſſed cloth, that great murmurs aroſe againſt it; and this meaſure was retracted by the king, and complained of by the nation, as if it had been the moſt impolitic in the world. It ſeems indeed to have been premature.

In ſo little credit was the fine Engliſh cloth even at home, that the king was obliged to ſeek expedients, by which he might engage the people of faſhion to wear it [x]. The manufacture of fine linen was totally unknown in the kingdom [y].

The company of merchant-adventurers, by their patent, poſſeſſed the ſole commerce of woolen goods, though the ſtaple commodity of the kingdom. An attempt, made during the reign of Queen Elizabeth, to lay open this important trade, had been attended with bad conſequences for a time, by a conſpiracy of the merchant adventurers, not to make any purchaſes of cloth; and the queen immediately reſtored them their patent.

It was the groundleſs fear of a like accident, that enſlaved the nation to thoſe excluſive companies, which confined ſo much every branch of commerce and induſtry. The parliament, however, annulled, in the third of the king, the patent of the Spaniſh company; and the trade to Spain, which was at firſt very inſignificant, ſoon became the moſt conſiderable in the kingdom. It is ſtrange, that they

w Journ. 20 May, 1614. Raleigh, in his Obſervations, computes the loſs at 400,000 l. to the nation. There are about 80,000 undreſſed cloths, ſays he, exported yearly. He computes, beſides, that about 100,000 l. a-year had been loſt by kerſies; not to mention other articles. The account of 200,000 cloths a-year exported in Elizabeth's reign, ſeems to be exaggerated.

x Rymer, tom. xvii. p. 415.

y Id. ibid.

were

were not thence encouraged to aboliſh all the other companies, and that they went no farther than obliging them to enlarge their bottom, and to facilitate the admiſſion of new adventurers. Appendix.

A board of trade was erected by the king in 1622 [z]. One of the reaſons aſſigned in the commiſſion, is to remedy the low price of wool, which begat complaints of the decay of the woolen manufactory. It is more probable, however, that this fall of prices proceeded from the increaſe of wool. The king likewiſe recommends it to the commiſſioners to enquire and examine, whether a greater freedom of trade, and an exemption from the reſtraint of excluſive companies, would not be beneficial. Men were then fettered by their own prejudices; and the king was juſtly afraid of embracing a bold meaſure, whoſe conſequences might be uncertain. The digeſting of a navigation act, of a like nature with the famous one executed afterwards by the republican parliament, is likewiſe recommended to the commiſſioners. The arbitrary powers, then commonly aſſumed by the privy-council, appear evidently through the whole tenor of the commiſſion.

The ſilk manufacture had no footing in England: But, by James's direction, mulberry trees were planted, and ſilk-worms introduced [a]. The climate ſeems unfavourable to the ſucceſs of this project. The planting of hops increaſed much in England during this reign.

Greenland is thought to have been diſcovered about this period; and the whale fiſhery was carried on with ſucceſs: But the induſtry of the Dutch, in ſpite of all oppoſition, ſoon deprived the Engliſh of this ſource of riches. A company was erected for the diſcovery of the north-weſt paſſage; and many fruitleſs attempts were made for that purpoſe. In ſuch noble projects, deſpair ought never to be ad-

z Rymer, tom. xvii. p. 410. a Stowe.

Appendix.

mitted, till the abſolute impoſſibility of ſucceſs be fully aſcertained.

The paſſage to the Eaſt Indies had been opened to the Engliſh during the reign of Elizabeth; but the trade to thoſe parts was not entirely eſtabliſhed till this reign, when the Eaſt India Company received a new patent, enlarged their ſtock to 1,500,000l.[b] and fitted out ſeveral ſhips on theſe adventures. In 1609 they built a veſſel of 1200 tons, the largeſt merchant ſhip that England had ever known. She was unfortunate, and periſhed by ſhipwreck. In 1611, a large ſhip of the company, aſſiſted by a pinnace, maintained five ſeveral engagements with a ſquadron of Portugueſe, and gained a complete victory over forces much ſuperior. During the following years the Dutch company was guilty of great injuries towards the Engliſh, in expelling many of their factors, and deſtroying their ſettlements: But theſe violences were reſented with a proper ſpirit by the court of England. A naval force was equipped under the Earl of Oxford[c], and lay in wait for the return of the Dutch Eaſt India fleet. By reaſon of croſs winds, Oxford failed of his purpoſe, and the Dutch eſcaped. Some time after, one rich ſhip was taken by vice admiral Merwin; and it was ſtipulated by the Dutch to pay 70,000l. to the Engliſh company, in conſideration of the loſſes which that company had ſuſtained[d]. But neither this ſtipulation, nor the fear of repriſals, nor the ſenſe of that friendſhip which ſubſiſted between England and the States, could reſtrain the avidity of the Dutch company, or render them equitable in their proceedings towards their allies. Impatient to have the ſole poſſeſſion of the ſpice trade, which the Engliſh then ſhared with them, they aſſumed a juriſdiction over a factory of the latter in

b Journ. 26th Nov. 1621.
c In 1622.
d Johnſtoni Hiſt. lib. 19.

the

the iſland of Amboyna; and on very improbable, and even abſurd pretences, ſeized all the factors, with their families, and put them to death with the moſt inhuman tortures. This diſmal news arrived in England at the time when James, by the prejudices of his ſubjects, and the intrigues of his favourite, was conſtrained to make a breach with Spain; and he was obliged, after ſome remonſtrances, to acquieſce in this indignity from a ſtate whoſe alliance was now become neceſſary to him. It is remarkable, that the nation, almoſt without a murmur, ſubmitted to this injury from their Proteſtant confederates; an injury which, beſides the horrid enormity of the action, was of much deeper importance to national intereſt, than all thoſe which they were ſo impatient to reſent from the houſe of Auſtria. Appendix.

The exports of England from Chriſtmas 1612 to Chriſtmas 1613, are computed at 2,487,435 l. The imports at 2,141,151 l. So that the balance in favour of England was 346,284 l[e]. But in 1622, the exports were 2,320,436 l.; the imports 2,619,315 l.; which makes a balance of 298,879 l. againſt England[f]. The coinage of England from 1599 to 1619, amounted to 4,779,314 l. 13 s. 4 d.[g]: A proof that the balance in the main was conſiderably in favour of the kingdom. As the annual imports and exports together roſe to near five millions, and the cuſtoms never yielded ſo much as 200,000 l. a-year, of which tonnage made a part, it appears that the new rates affixed by James did not on the whole amount to one ſhilling in the pound, and conſequently were ſtill inferior to the intention of the original grant of parliament. The Eaſt India Company uſually carried out a third of their cargo in commodities[h]. The trade to

e Miſſelden's Circle of Commerce, p. 121.
f Id. ibid.
g Happy future State of England, p. 78
h Munn's Diſcourſe on the Eaſt India Trade.

Turkey

Appendix. Turkey was one of the moſt gainful to the nation [g]. It appears that copper halfpence and farthings began to be coined in this reign [h]. Tradeſmen had commonly carried on their retail buſineſs chiefly by means of leaden tokens. The ſmall ſilver penny was ſoon loſt, and at this time was no where to be found.

Colonies. What chiefly renders the reign of James memorable, is the commencement of the Engliſh colonies in America; colonies eſtabliſhed on the nobleſt footing that has been known in any age or nation. The Spaniards, being the firſt diſcoverers of the new world, immediately took poſſeſſion of the precious mines which they found there; and, by the allurement of great riches, they were tempted to depopulate their own country, as well as that which they conquered; and added the vice of ſloth to thoſe of avidity and barbarity, which had attended their adventurers in thoſe renowned enterprizes. That fine coaſt was entirely neglected, which reaches from St Auguſtin to Cape Breton, and which lies in all the temperate climates, is watered by noble rivers, and offers a fertile ſoil, but nothing more to the induſtrious planter. Peopled gradually from England by the neceſſitous and indigent, who, at home, encreaſed neither wealth nor populouſneſs, the colonies, which were planted along that tract, have promoted the navigation, encouraged the induſtry, and even perhaps multiplied the inhabitants of their mother-country. The ſpirit of independency, which was reviving in England, here ſhone forth in its full luſtre, and received new acceſſion from the aſpiring character of thoſe who, being diſcontented with the eſtabliſhed church and monarchy, had ſought for freedom amidſt thoſe ſavage deſarts.

Queen Elizabeth had done little more than given a name to the continent of Virginia; and, after her

g Munn's Diſcourſe on the Eaſt India Trade, p. 17.

h Anderſon, vol. i. p. 477.

planting

planting one feeble colony, which quickly decayed, that country was entirely abandoned. But when peace put an end to the military enterprizes againſt Spain, and left ambitious ſpirits no hopes of making any longer ſuch rapid advances towards honour and fortune, the nation began to ſecond the pacific intentions of its monarch, and to ſeek a ſurer, though ſlower expedient for acquiring riches and glory. In 1606, Newport carried over a colony, and began a ſettlement, which the company, erected by patent for that purpoſe in London and Briſtol, took care to ſupply with yearly recruits of proviſions, utenſils, and new inhabitants. About 1609, Argal diſcovered a more direct and ſhorter paſſage to Virginia, and left the tract of the ancient navigators, who had firſt directed their courſe ſouthwards to the tropic, ſailed weſtward by means of the trade-winds, and then turned northward, till they reached the Engliſh ſettlements. The ſame year, five hundred perſons under Sir Thomas Gates and Sir George Somers were embarked for Virginia. Somers's ſhip meeting with a tempeſt, was driven into the Bermudas, and laid the foundation of a ſettlement in thoſe iſlands. Lord Delawar afterwards undertook the government of the Engliſh colonies: But, notwithſtanding all his care, ſeconded by ſupplies from James, and by money raiſed from the firſt lottery ever known in the kingdom, ſuch difficulties attended the ſettlement of theſe countries, that in 1614, there were not alive more than 400 men of all that had been ſent thither. After ſupplying themſelves with proviſions more immediately neceſſary for the ſupport of life, the new planters began the cultivating of tobacco; and James, notwithſtanding his antipathy to that drug, which he affirmed to be pernicious to men's morals, as well as their health [k], gave them permiſſion to enter it in Eng- Appendix.

k Rymer, tom. xvii. p. 621.

land;

Appendix. land; and he inhibited by proclamation all importation of it from Spain[1]. By degrees, new colonies were eſtabliſhed in that continent, and gave new names to the places where they ſettled, leaving that of Virginia to the province firſt planted. The iſland of Barbadoes was alſo planted in this reign.

Speculative reaſoners, during that age, raiſed many objections to the planting of thoſe remote colonies; and foretold, that after draining their mother-country of inhabitants, they would ſoon ſhake off her yoke, and erect an independent government in America: But time has ſhewn, that the views entertained by thoſe who encouraged ſuch generous undertakings, were more juſt and ſolid. A mild government and great naval force have preſerved, and may ſtill preſerve during ſome time, the dominion of England over her colonies. And ſuch advantages have commerce and navigation reaped from theſe eſtabliſhments, that more than a fourth of the Engliſh ſhipping is at preſent computed to be employed in carrying on the traffic with the American ſettlements.

Agriculture

Agriculture was anciently very imperfect in England. The ſudden tranſitions ſo often mentioned by hiſtorians, from the loweſt to the higheſt price of grain, and the prodigious inequality of its value in different years, are ſufficient proofs that the produce depended entirely on the ſeaſons, and that art had as yet had done nothing to fence againſt the injuries of the heavens. During this reign, conſiderable improvements were made, as in moſt arts, ſo in this, the moſt beneficial of any. A numerous catalogue might be formed of books and pamphlets treating of huſbandry, which were written about this time. The nation, however, was ſtill dependent on foreign-

1 Rymer, tom. xviii. p. 621. 633.

ers

ers for daily bread; and though its exportation of grain now forms a conſiderable branch of its commerce, notwithſtanding its probable encreaſe of people, there was, in that period, a regular importation from the Baltic as well as from France; and if it ever ſtopped, the bad conſequences were ſenſibly felt by the nation. Sir Walter Raleigh in his obſervations computes, that two millions went out at one time for corn. It was not till the fifth of Elizabeth, that the exportation of corn had been allowed in England; and Camden obſerves, that agriculture, from that moment, received new life and vigour. Appendix.

The endeavours of James, or, more properly ſpeaking, thoſe of the nation, for promoting trade, were attended with greater ſucceſs than thoſe for the encouragement of learning. Though the age was by no means deſtitute of eminent writers, a very bad taſte in general prevailed during that period; and the monarch himſelf was not a little infected with it.

On the origin of letters among the Greeks, the genius of poets and orators, as might naturally be expected, was diſtinguiſhed by an amiable ſimplicity, which, whatever rudeneſs may ſometimes attend it, is ſo fitted to expreſs the genuine movements of nature and paſſion, that the compoſitions poſſeſſed of it muſt ever appear valuable to the diſcerning part of mankind. The glaring figures of diſcourſe, the pointed antitheſis, the unnatural conceit, the jingle of words; ſuch falſe ornaments were not employed by early writers; not becauſe they were rejected, but becauſe they ſcarcely ever occurred to them. An eaſy, unforced ſtrain of ſentiment runs through their compoſitions; though, at the ſame time, we may obſerve, that, amidſt the moſt elegant ſimplicity of thought and expreſſion, one is ſometimes ſurpriſed to meet with a poor conceit, which had preſented itſelf unſought for, and which the author had not acquired Learning and arts.

Appendix.

red critical obſervation enough to condemn[m]. A bad taſte ſeizes with avidity theſe frivolous beauties, and even perhaps a good taſte, are ſurfeited by them: They multiply every day more and more in the faſhionable compoſitions: Nature and good ſenſe are neglected: Laboured ornaments ſtudied and admired: And a total degeneracy of ſtyle and language prepares the way for barbariſm and ignorance. Hence the Aſiatic manner was found to depart ſo much from the ſimple purity of Athens: Hence that tinſel eloquence, which is obſervable in many of the Roman writers, from which Cicero himſelf is not wholly exempted, and which ſo much prevails in Ovid, Seneca, Lucan, Martial, and the Plinys.

On the revival of letters, when the judgment of the public is yet raw and unformed, this falſe gliſter catches the eye, and leaves no room, either in eloquence or poetry, for the durable beauties of ſolid ſenſe and lively paſſion. The reigning genius is then diametrically oppoſite to that which prevails on the firſt origin of arts. The Italian writers, it is evident, even the moſt celebrated, have not reached the proper ſimplicity of thought and compoſition; and in Petrarch, Taſſo, Guarini, frivolous witticiſms and forced conceits are but too predominant. The period, during which letters were cultivated in Italy, was ſo ſhort as ſcarcely to allow leiſure for correcting this adultered reliſh.

The more early French writers are liable to the ſame reproach. Voiture, Balzac, even Corneille,

m The name of Polynices, one of Oedipus's ſons, means in the original *much quarrelling*. In the altercations between the two brothers, in Æſchylus, Sophocles, and Euripides, this conceit is employed; and it is remarkable, that ſo poor a conundrum could not be rejected by any of theſe three poets, ſo juſtly celebrated for their taſte and ſimplicity. What could Shakeſpeare have done worſe? Terence has his *inceptio eſt amentium, non amantium*. Many ſimilar inſtances will occur to the learned. It is well known that Ariſtotle treats very ſeriouſly of puns, divides them into ſeveral claſſes, and recommends the uſe of them to orators.

have too much affected thoſe ambitious ornaments, of which the Italians in general, and the leaſt pure of the ancients ſupplied them with ſo many models. And it was not till late, that obſervation and reflection gave riſe to a more natural turn of thought and compoſition among that elegant people. Appendix.

A like character may be extended to the firſt Engliſh writers; ſuch as flouriſhed during the reigns of Elizabeth and James, and even till long afterwards. Learning, on its revival in this iſland, was attired in the ſame unnatural garb which it wore at the time of its decay among the Greeks and Romans. And, what may be regarded as a misfortune, the Engliſh writers were poſſeſſed of great genius before they were endowed with any degree of taſte, and, by that means, gave a kind of ſanction to thoſe forced turns and ſentiments which they ſo much affected. Their diſtorted conceptions and expreſſions are attended with ſuch vigour of mind, that we admire the imagination which produced them, as much as we blame the want of judgment which gave them admittance. To enter into an exact criticiſm of the writers of that age, would exceed our preſent purpoſe. A ſhort character of the moſt eminent, delivered with the ſame freedom which hiſtory exerciſes over kings and miniſters, may not be improper. The national prepoſſeſſions which prevail will perhaps render the former liberty not the leaſt perilous for an author.

If Shakeſpeare be conſidered as a MAN, born in a rude age, and educated in the loweſt manner, without any inſtruction either from the world or from books, he may be regarded as a prodigy: If repreſented as a POET, capable of furniſhing a proper entertainment to a refined or intelligent audience, we muſt abate much of this eulogy. In his compoſitions, we regret, that many irregularities, and even abſurdities, ſhould ſo frequently diſfigure the animated and paſſionate ſcenes intermixed with them;

and

Appendix. and at the ſame time, we perhaps admire the more thoſe beauties, on account of their being ſurrounded with ſuch deformities. A ſtriking peculiarity of ſentiment, adapted to a ſingular character, he frequently hits, as it were by inſpiration; but a reaſonable propriety of thought he cannot for any time uphold. Nervous and pictureſque expreſſions, as well as deſcriptions, abound in him; but it is in vain we look either for purity or ſimplicity of diction. His total ignorance of all theatrical art and conduct, however material a defect; yet, as it affects the ſpectator rather than the reader, we can more eaſily excuſe, than that want of taſte which often prevails in his productions, and which gives way only by intervals to the irradiations of genius. A great and fertile genius he certainly poſſeſſed, and one enriched equally with a tragic and comic vein; but he ought to be cited as a proof, how dangerous it is to rely on theſe advantages alone for attaining an excellence in the finer arts [n]. And there may even remain a ſuſpicion, that we over-rate, if poſſible, the greatneſs of his genius; in the ſame manner, as bodies often appear more gigantic, on account of their being diſproportioned and miſhapen. He died in 1616, aged 53 years.

Johnſon poſſeſſed all the learning which was wanting to Shakeſpeare, and wanted all the genius of which the other was poſſeſſed. Both of them were equally deficient in taſte and elegance, in harmony and correctneſs. A ſervile copyiſt of the ancients, Johnſon tranſlated into bad Engliſh the beautiful paſſages of the Greek and Roman authors, without accommodating them to the manners of his age and country. His merit has been totally eclipſed by that of Shakeſpeare, whoſe rude genius prevailed over the rude art of his cotemporary. The Engliſh theatre

[n] *Invenire etiam barbari ſolent, diſponere et ornare non niſi eruditus.* PLIN.

has

has ever ſince taken a ſtrong tincture of Shake- Appendix.
ſpeare's ſpirit and character; and thence it has proceeded, that the nation has undergone from all its neighbours, the reproach of barbariſm, from which its valuable productions in ſome other parts of learning would otherwiſe have exempted it. Johnſon had a penſion of a hundred marks from the king, which Charles afterwards augmented to a hundred pounds. He died in 1637, aged 63.

Fairfax had tranſlated Taſſo, with an elegance and eaſe, and, at the ſame time, with an exactneſs, which, for that age, are ſurpriſing. Each line in the original is faithfully rendered by a correſpondent line in the tranſlation. Harrington's tranſlation of Arioſto is not likewiſe without its merit. It is to be regretted, that theſe poets ſhould have imitated the Italians in their ſtanza, which has a prolixity and uniformity in it that diſpleaſes in long performances. They had otherwiſe, as well as Spencer, who went before them, contributed much to the poliſhing and refining of the Engliſh verſification.

In Donne's ſatires, when carefully inſpected, there appear ſome flaſhes of wit and ingenuity; but theſe totally ſuffocated and buried by the harſheſt and moſt uncouth expreſſion that is any-where to be met with.

If the poetry of the Engliſh was ſo rude and imperfect during that age, we may reaſonably expect that their proſe would be liable to ſtill greater objections. Though the latter appears the more eaſy, as it is the more natural method of compoſition; it has ever in practice been found the more rare and difficult; and there ſcarcely is an inſtance, in any language, that it has reached a degree of perfection, before the refinement of poetical numbers and expreſſion. Engliſh proſe, during the reign of James, was written with little regard to the rules of grammar, and with a total diſregard to the elegance and harmony of the period. Stuffed with Latin ſentences

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and quotations, it likewiſe imitated thoſe inverſions, which, however forcible and graceful in the ancient languages, are entirely contrary to the idiom of the Engliſh. I ſhall indeed venture to affirm, that, whatever uncouth phraſes and expreſſions occur in old books, they were chiefly owing to the unformed taſte of the author; and that the language ſpoken in the courts of Elizabeth and James, was very little different from that which we meet with at preſent in good company. Of this opinion, the little ſcraps of ſpeeches which are found in the parliamentary journals, and which carry an air ſo oppoſite to the laboured orations, ſeem to be a ſufficient proof; and there want not productions of that age, which, being written by men who were not authors by profeſſion, retain a very natural manner, and may give us ſome idea of the language which prevailed among men of the world. I ſhall particularly mention Sir John Davis's diſcovery, Throgmorton's, Eſſex's, and Nevil's letters. In a more early period, Cavendiſh's life of Cardinal Wolſey, the pieces that remain of Biſhop Gardiner, and Anne Boleyn's letter to the king, differ little or nothing from the language of our time.

The great glory of literature in this iſland, during the reign of James, was Lord Bacon. Moſt of his performances were compoſed in Latin; though he poſſeſſed neither the elegance of that, nor of his native tongue. If we conſider the variety of talents diſplayed by this man, as a public ſpeaker, a man of buſineſs, a wit, a courtier, a companion, an author, a philoſopher, he is juſtly the object of great admiration. If we conſider him merely as an author and philoſopher, the light in which we view him at preſent, though very eſtimable, he was yet inferior to his cotemporary Galilæo, perhaps even to Kepler. Bacon pointed out at a diſtance the road to true philoſophy: Galilæo both pointed it out to others, and made

made himſelf conſiderable advances in it. The Engliſhman was ignorant of geometry: The Florentine revived that ſcience, excelled in it, and was the firſt that applied it, together with experiment, to natural philoſopy. The former rejected, with the moſt poſitive diſdain, the ſyſtem of Copernicus: The latter fortified it with new proofs, derived both from reaſon and the ſenſes. Bacon's ſtyle is ſtiff and rigid: His wit, though often brilliant, is alſo often unnatural and far-fetched; and he ſeems to be the original of thoſe pointed ſimilies and long-ſpun allegories, which ſo much diſtinguiſh the Engliſh authors: Galilæo is a lively and agreeable, though ſomewhat a prolix writer. But Italy, not united in any ſingle government, and perhaps ſatiated with that literary glory which it has poſſeſſed both in ancient and modern times, has too much neglected the renown which it has acquired, by giving birth to ſo great a man. That national ſpirit which prevails among the Engliſh, and which forms their great happineſs, is the cauſe why they beſtow on all their eminent writers, and on Bacon among the reſt, ſuch praiſes and acclamations, as may often appear partial and exceſſive. He died in 1626, in the 66th year of his age. Appendix.

If the reader of Raleigh's hiſtory can have the patience to wade through the Jewiſh and Rabbinical learning which compoſe the half of the volume, he will find, when he comes to the Greek and Roman ſtory, that his pains are not unrewarded. Raleigh is the beſt model of that ancient ſtyle which ſome writers would affect to revive at preſent. He was beheaded in 1618, aged 66 years.

Camden's hiſtory of Queen Elizabeth may be eſteemed good compoſition, both for ſtyle and matter. It is written with ſimplicity of expreſſion, very rare in that age, and with a regard to truth. It would

Appendix.

not perhaps be too much to affirm, that it is among the beſt hiſtorical productions which have yet been compoſed by any Engliſhman. It is well known that the Engliſh have not much excelled in that kind of literature. He died in 1623, aged 73 years.

We ſhall mention the king himſelf at the end of theſe Engliſh writers; becauſe that is *his* place, when conſidered as an author. It may ſafely be affirmed, that the mediocrity of James's talents in literature, joined to the great change in national taſte, is one cauſe of that contempt under which his memory labours, and which is often carried by party-writers to a great extreme. It is remarkable, how different from ours were the ſentiments of the ancients with regard to learning. Of the firſt twenty Roman emperors, counting from Cæſar to Severus, above the half were authors; and though few of them ſeem to have been eminent in that profeſſion, it is always remarked to their praiſe, that, by their example, they encouraged literature. Not to mention Germanicus, and his daughter Agrippina, perſons ſo nearly allied to the throne, the greater part of the claſſic writers, whoſe works remain, were men of the higheſt quality. As every human advantage is attended with inconveniencies, the change of men's ideas in this particular may probably be aſcribed to the invention of printing; which has rendered books ſo common, that even men of ſlender fortunes can have acceſs to them.

That James was but a middling writer, may be allowed: That he was a contemptible one, can by no means be admitted. Whoever will read his Baſilicon Doron, particularly the two laſt books, the true law of free monarchies, his anſwer to Cardinal Perron, and almoſt all his ſpeeches and meſſages to parliament, will confeſs him to have poſſeſſed no mean genius. If he wrote concerning witches and apparitions, who, in that age, did not admit the reality

reality of these fictitious beings? If he has composed a commentary on the Revelations, and proved the Pope to be Antichrist, may not a similar reproach be extended to the famous Napier; and even to Newton, at a time when learning was much more advanced than during the reign of James? From the grossness of its superstitions, we may infer the ignorance of an age; but never should pronounce concerning the folly of an individual, from his admitting popular errors, consecrated by the appearance of religion. Appendix.

Such a superiority do the pursuits of literature possess above every other occupation, that even he who attains but a mediocrity in them, merits the pre-eminence above those that excel the most in the common and vulgar professions. The speaker of the house of commons is usually an eminent lawyer; yet the harangue of his Majesty will always be found much superior to that of the speaker, in every parliament during this reign.

Every science, as well as polite literature, must be considered as being yet in its infancy. Scholastic learning and polemical divinity retarded the growth of all true knowledge. Sir Henry Saville, in the preamble of that deed by which he annexed a salary to the mathematical and astronomical professors in Oxford, says, that geometry was almost totally abandoned and unknown in England[o]. The best learning of that age was the study of the ancients. Casaubon, eminent for this species of knowledge, was invited over from France by James, and encouraged by a pension of 300 l. a-year, as well as by church preferments[p]. The famous Antonio di Dominis, archbishop of Spalatro, no dispicable philosopher, came likewise into England, and afforded great triumph to the nation, by their gaining so considerable

[o] Rymer, tom. xvii. p. 217. [p] Ibid. p. 709.

Appendix. a proſelyte from the Papiſts. But the mortification followed ſoon after: The archbiſhop, though advanced to ſome eccleſiaſtical preferments[q], received not encouragement ſufficient to ſatisfy his ambition. He made his eſcape into Italy, where he died in confinement.

q Rymer, tom. xvii. p. 95.

CHARLES.

CHARLES I.

CHAP. L.

A parliament at Weſtminſter——At Oxford——Naval expedition againſt Spain——Second parliament——Impeachment of Buckingham——Violent meaſures of the court——War with France——Expedition to the iſle of Rhe.

NO ſooner had Charles taken into his hands the reins of government, than he ſhowed an impatience to aſſemble the great council of the nation; and he would gladly, for the ſake of diſpatch, have called together the ſame parliament, which had ſitten under his father, and which lay at that time under prorogation. But being told that this meaſure would appear unuſual, he iſſued writs for ſummoning a new parliament on the 7th of May; and it was not without regret that the arrival of the Princeſs Henrietta, whom he had eſpouſed by proxy, obliged him to delay, by repeated prorogations, their meeting till the 18th of June, when they aſſembled at Weſtminſter for the diſpatch of buſineſs. The young prince, unexperienced and impolitic, regarded as ſincere all the praiſes and careſſes with which he had been loaded, while active in procuring the rupture with the houſe of Auſtria. And beſides that he laboured under great neceſſities, he haſtened with alacrity to a period when he might receive the moſt undoubted teſti-

CHAP. L. 1625. March 27.

A parliament at Weſtminſter. June 18.

CHAP. I. 1625.

mony of the dutiful attachment of his ſubjects. His diſcourſe to the parliament was full of ſimplicity and cordiality. He lightly mentioned the occaſion which he had for ſupply [r]. He employed no intrigue to influence the ſuffrages of the members. He would not even allow the officers of the crown, who had ſeats in the houſe, to mention any particular ſum which might be expected by him. Secure of the affections of the commons, he was reſolved that their bounty ſhould be entirely their own deed; unaſked, unſolicited; the genuine fruit of ſincere confidence and regard.

The houſe of commons accordingly took into conſideration the buſineſs of ſupply. They knew that all the money granted by the laſt parliament had been expended on naval and military armaments; and that great anticipations were likewiſe made on the revenues of the crown. They were not ignorant that Charles was loaded with a large debt, contracted by his father, who had borrowed money both from his own ſubjects, and from foreign princes. They had learned by experience, that the public revenue could with difficulty maintain the dignity of the crown, even under the ordinary charges of government. They were ſenſible, that the preſent war was, very lately, the reſult of their own importunate applications and intreaties, and that they had ſolemnly engaged to ſupport their ſovereign in the management of it. They were acquainted with the difficulty of military enterprizes, directed againſt the whole houſe of Auſtria; againſt the king of Spain, poſſeſſed of the greateſt riches and moſt extenſive dominions of any prince in Europe; againſt the Emperor Ferdinand, hitherto the moſt fortunate monarch of his age, who had ſubdued and aſtoniſhed Germany by the rapidity of his victories. Deep impreſ-

r Ruſhworth, vol. i. p. 171. Parl. Hiſt. vol. vi. p. 346. Franklyn, p. 108.

ſions

sions they saw, must be made by the English sword, and a vigorous offensive war be waged against these mighty potentates, ere they would resign a principality, which they had now fully subsided, and which they held in secure possession, by its being surrounded with all their other territories. CHAP. I. 1625.

To answer, therefore, all these great and important ends; to satisfy their young king in the first request which he made them; to prove their sense of the many royal virtues, particularly œconomy, with which Charles was endowed; the house of commons, conducted by the wisest and ablest senators that had ever flourished in England, thought proper to confer on the king a supply of two subsidies, amounting to 112,000 l[s].

This measure, which discovers rather a cruel mockery of Charles, than any serious design of supporting him, appears so extraordinary, when considered in all its circumstances, that it naturally summons up our attention, and raises an enquiry concerning the causes of a conduct, unprecedented in an English parliament. So numerous an assembly, composed of persons of various dispositions, was not, it is probable, wholly influenced by the same motives; and few declared openly their true reason. We shall, therefore, approach nearer to the truth, if we mention all the views which the present conjuncture could suggest to them.

It is not to be doubted, but spleen and ill-will against the duke of Buckingham had an influence with many. So vast and rapid a fortune, so little merited, could not fail to excite public envy; and, however men's hatred might have been suspended for a moment, while the duke's conduct seemed to gratify their passions and their prejudices, it was impossible for him long to preserve the affections of the

s A subsidy was now fallen to about 56,000 l. Cabala, p. 224. first edit.

people.

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people. His influence over the modeſty of Charles exceeded even that which he had acquired over the weakneſs of James; nor was any public meaſure conducted but by his counſel and direction. His vehement temper prompted him to raiſe ſuddenly, to the higheſt elevation, his flatterers and dependents: And, upon the leaſt occaſion of diſpleaſure, he threw them down with equal impetuoſity and violence.—Implacable in his hatred; fickle in his friendſhips: All men were either regarded as his enemies, or dreaded ſoon to become ſuch. The whole power of the kingdom was graſped by his inſatiable hand; while he both engroſſed the intire confidence of his maſter, and held, inveſted in his ſingle perſon, the moſt conſiderable offices of the crown.

However the ill-humour of the commons might have been encreaſed by theſe conſiderations, we are not to ſuppoſe them the ſole motives. The laſt parliament of James, amidſt all their joy and feſtivity, had given him a ſupply very diſproportioned to his demand and to the occaſion. And, as every houſe of commons, which was elected during forty years, ſucceeded to all the paſſions and principles of their predeceſſors; we ought rather to account for this obſtinacy from the general ſituation of the kingdom during that whole period, than from any circumſtances which attended this particular conjuncture.

The nation was very little accuſtomed at that time to the burden of taxes, and had never opened their purſes in any degree for ſupporting their ſovereign. Even Elizabeth, notwithſtanding her vigour and frugality, and the neceſſary wars in which ſhe was engaged, had reaſon to complain of the commons in this particular; nor could the authority of that princeſs, which was otherwiſe almoſt abſolute, ever extort from them the requiſite ſupplies. Habits, more than reaſon, we find, in every thing, to be the governing

verning principle of mankind. In this view likewise, the ſinking of the value of ſubſidies muſt be conſidered as a loſs to the king. The parliament ſwayed by cuſtom would not augment their number in the ſame proportion. CHAP. L. 1625.

The puritanical party, though diſguiſed, had a great authority over the kingdom; and many of the leaders among the commons had ſecretly embraced the rigid tenets of that ſect. All theſe were diſguſted with the court, both by the prevalence of the principles of civil liberty eſſential to their party; and on account of the reſtraint under which they were held by the eſtabliſhed hierarchy. In order to fortify himſelf againſt the reſentment of James, Buckingham had affected popularity, and entered into the cabals of the puritans: But, being ſecure of the confidence of Charles, he had ſince abandoned this party; and, on that account, was the more expoſed to their hatred and reſentment. Though the religious ſchemes of many of the puritans, when explained, appear pretty frivolous, we are not thence to imagine, that they were purſued by none but perſons of weak underſtandings. Some men of the greateſt parts and moſt extenſive knowledge that the nation at this time produced, could not enjoy any peace of mind; becauſe obliged to hear prayers offered up to the Divinity by a prieſt covered with a white linen veſtment.

The match with France, and the articles in favour of Catholics, which were ſuſpected to be in the treaty, were likewiſe cauſes of diſguſt to this whole party: Though it muſt be remarked, that the connections with that crown were much leſs obnoxious to the Proteſtants, and leſs agreeable to the Catholics, than the alliance formerly projected with Spain, and were therefore received rather with pleaſure than diſſatisfaction.

To all theſe cauſes we muſt yet add another of conſiderable moment. The houſe of commons, we may obſerve,

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ſerve, was almoſt entirely governed by a ſet of men of the moſt uncommon capacity and the largeſt views: Men, who were now formed into a regular party, and united as well by fixed aims and projects, as by the hardſhips which ſome of them had undergone in proſecution of them. Among theſe we may mention the names of Sir Edward Coke, Sir Edwin Sandys, Sir Robert Philips, Sir Francis Seymour, Sir Dudley Digges, Sir John Elliot, Sir Thomas Wentworth, Mr Selden, and Mr Pym. Animated with a warm regard to liberty, theſe generous patriots ſaw with regret an unbounded power exerciſed by the crown, and were reſolved to ſeize the opportunity which the king's neceſſities offered them, of reducing the prerogative within more reaſonable compaſs. Though their anceſtors had blindly given way to practices and precedents favourable to kingly power, and had been able, notwithſtanding, to preſerve ſome ſmall remains of liberty; it would be impoſſible, they thought, when all theſe pretenſions were methodized and proſecuted by the encreaſing knowledge of the age, to maintain any ſhadow of popular government, in oppoſition to ſuch unlimited authority in the ſovereign. It was neceſſary to fix a choice: Either to abandon entirely the privileges of the people, or to ſecure them by firmer and more preciſe barriers than the conſtitution had hitherto provided for them. In this dilemma, men of ſuch aſpiring geniuſes and ſuch independent fortunes could not long deliberate: They boldly embraced the ſide of freedom, and reſolved to grant no ſupplies to their neceſſitous prince, without extorting conceſſions in favour of civil liberty. The end, they eſteemed beneficent and noble: The means, regular and conſtitutional. To grant or refuſe ſupplies was the undoubted privilege of the commons. And as all human governments, particularly thoſe of a mixed frame, are in continual fluctuation, it was as natural, in their opinion, and

and allowable for popular aſſemblies to take advantage of favourable incidents, in order to ſecure the ſubject, as for monarchs, in order to extend their own authority. With pleaſure they beheld the king involved in a foreign war, which rendered him every day more dependent on the parliament; while at the ſame time the ſituation of the kingdom, even without any military preparations, gave it ſufficient ſecurity againſt all invaſion from foreigners. Perhaps too, it had partly proceeded from expectations of this nature, that the popular leaders had been ſo urgent for a rupture with Spain; nor is it credible, that religious zeal could ſo far have blinded all of them as to make them diſcover, in ſuch a meaſure, any appearance of neceſſity, or any hopes of ſucceſs. CHAP. L. 1625.

But, however natural all theſe ſentiments might appear to the country party, it is not to be imagined that Charles would entertain the ſame ideas. Strongly prejudiced in favour of the duke, whom he had heard ſo highly extolled in parliament, he could not conjecture the cauſe of ſo ſudden an alteration in their opinions. And when the war, which they themſelves had ſo earneſtly ſolicited, was at laſt commenced, the immediate deſertion of their ſovereign could not but ſeem very unnacountable. Even though no farther motive had been ſuſpected, the refuſal of ſupply in ſuch circumſtances, would naturally to him appear cruel and deceitful: But when he perceived that this meaſure proceeded from an intention of encroaching on his authority, he failed not to regard theſe aims as highly criminal and traiterous. Thoſe lofty ideas of monarchical power, which were very commonly adopted during that age, and to which the ambiguous nature of the Engliſh conſtitution gave ſo plauſible an appearance, were firmly rivetted in Charles; and however moderate

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CHAP. L. 1625.

his temper, the natural and unavoidable prepoſſeſſions of ſelf-love, joined to the late uniform precedents in favour of prerogative, had made him regard his political tenets as certain and uncontroverted. Taught to conſider even the antient laws and conſtitution more as lines to direct his conduct than barriers to withſtand his power; a conſpiracy to erect new ramparts, in order to ſtraiten his authority, appeared but one degree removed from open ſedition and rebellion. So attrocious in his eyes was ſuch a deſign, that he ſeems even unwilling to impute it to the commons: And, tho' he was conſtrained to adjourn the parliament by reaſon of the plague, which at that time raged in London; he immediately reaſſembled them at Oxford, and made a new attempt to gain from them ſome ſupplies in ſuch an urgent neceſſity.

11th July.

Auguſt 1ſt.

Parliament at Oxford.

Charles now found himſelf obliged to depart from that delicacy which he had formerly maintained.—By himſelf or his miniſters, he entered into a particular detail, both of the alliances which he had formed, and of the military operations which he had projected [a]. He told the parliament, that, by a promiſe of ſubſidies, he had engaged the king of Denmark to take part in the war; that this monarch intended to enter Germany by the north, and to rouſe to arms thoſe princes, who impatiently longed for an opportunity of aſſerting the liberty of the empire; that Mansfeldt had undertaken to penetrate with an Engliſh army into the Palatinate, and by that quarter to excite the members of the evangelical union; that the ſtates muſt be ſupported in the unequal warfare which they maintained with Spain; that no leſs a ſum than 700,000 l. a-year had been found, by computation, requiſite for all theſe purpoſes; that the maintenance of the fleet and the defence of Ireland demanded an annual expence of 400,000 l. that he

[a] Dugdale, p. 25, 26.

himſelf

himself had already exhausted and anticipated, in the public service, his whole revenue, and had scarcely left sufficient for the daily subsistence of himself and his family [w]; that, on his accession to the crown, he found a debt of above 300,000 pounds, contracted by his father, in support of the Palatine; and that, while Prince of Wales, he had himself contracted debts, notwithstanding his great frugality, to the amount of 70,000 pounds, which he had expended entirely on naval and military armaments. After mentioning all these facts, the king even condescended to use entreaties. He said, that this request was the first that he had ever made them; that he was young, and in the commencement of his reign; and, if he now met with kind and dutiful usage, it would endear to him the use of parliaments, and would for ever preserve an entire harmony between him and his people [x].

CHAP. L. 1625.

To these reasons the commons remained inexorable. Notwithstanding that the king's measures, on the supposition of a foreign war, which they had constantly demanded, were altogether unexceptionable, they obstinately refused any farther aid. Some members favourable to the court, having insisted on an addition of two fifteenths to the former supply, even this pittance was refused [y]; though it was known, that a fleet and army were lying at Portsmouth, in great want of pay and provisions; and that Buckingham the admiral, and the treasurer of the navy, had advanced on their own credit near a hundred thousand pounds for the sea-service [z]. Besides all their other motives, the house of commons had made a discovery, which, as they wanted but a

w Parl. Hist. vol. vi. p. 396.
x Rush. vol. i. p. 177, 178, &c. Parl. Hist. vol. vi. p. 399. Franklyn, p. 108, 109. Journ. 10 Aug. 1625.
y Rush. vol. i. p, 190.
z Parl. Hist. vol. vi. p. 390.

pretence

CHAP. L. 1625.

pretence for their refuſal, inflamed them againſt the court and againſt the duke of Buckingham.

When James deſerted the Spaniſh alliance, and courted that of France, he had promiſed to furniſh Lewis, who was entirely deſtitute of naval force, with one ſhip of war, together with ſeven armed veſſels, hired from the merchants. Theſe the French court had pretended they would employ againſt the Genoeſe, who, being firm and uſeful allies to the Spaniſh monarchy, were naturally regarded with an evil eye, both by the king of France and of England. When theſe veſſels, by Charles's orders, arrived at Diepe, there aroſe a ſtrong ſuſpicion, that they were to ſerve againſt Rochelle. The ſailors were inflamed. That race of men, who are at preſent both careleſs and ignorant in all matters of religion, were at that time only ignorant. They drew up a remonſtrance to Fennington, their commander; and ſigning all their names in a circle, leſt he ſhould diſcover the ringleaders, they laid it under his prayer-book. Pennington declared, that he would rather be hanged in England for diſobedience, than fight againſt his brother Proteſtants in France. The whole ſquadron ſailed immediately to the Downs. There they received new orders from Buckingham, lord admiral, to return to Diepe. As the duke knew, that authority alone would not ſuffice, he employed much art and many ſubtleties to engage them to obedience; and a rumour which was ſpread that peace had been concluded between the French king and the Hugonots, aſſiſted him in his purpoſe. When they arrived at Diepe, they found that they had been deceived. Sir Ferdinando Gorges, who commanded one of the veſſels, broke through and returned to England. All the officers and ſailors of all the other ſhips, notwithſtanding great offers made them by the French, immediately deſerted. One gunner alone preferred duty towards his king

king to the cauſe of religion; and he was afterwards killed in charging a cannon before Rochelle[a]. The care which hiſtorians have taken to record this frivolous event, proves with what pleaſure the news was received by the nation. CHAP. I. 1625.

The houſe of commons, when informed of theſe tranſactions, ſhowed the ſame attachment with the ſailors for the Proteſtant religion; nor was their zeal much better guided by reaſon and ſound policy. It was not conſidered, that it was highly probable the king and the duke themſelves had here been deceived by the artifices of France, nor had they any hoſtile intention againſt the Hugonots; that, were it otherwiſe, yet might their meaſures be juſtified by the moſt obvious and moſt received maxims of civil policy; that, if the force of Spain were really ſo exorbitant as the commons imagined, the French monarch was the only prince that could oppoſe its progreſs, and preſerve the balance of Europe; that his power was at preſent fettered by the Hugonots, who, being poſſeſſed of many privileges, and even of fortified towns, formed an empire within his empire, and kept him in perpetual jealouſy and inquietude; that an inſurrection had been at that time wantonly and voluntarily formed by their leaders, who, being diſguſted in ſome court-intrigue, took advantage of the never-failing pretence of religion, in order to cover their rebellion; that the Dutch, influenced by theſe views, had ordered a ſquadron of twenty ſhips to join the French fleet employed againſt the inhabitants of Rochelle[b]; that the Spaniſh monarch, ſenſible of the ſame conſequences, ſecretly ſupported the Proteſtants in France; and that all princes had ever ſacrificed to reaſons of ſtate the intereſts of their religion in foreign countries. All theſe obvious conſi-

a Franklyn, p. 109. Ruſh. vol. i. p. 175, 176, &c. 325, 326, &c.

b Journ. 18th April 1626.

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derations had no influence. Great murmurs and discontents ſtill prevailed in parliament. The Hugonots, though they had no ground of complaint againſt the French court, were thought to be as much entitled to aſſiſtance from England, as if they had taken arms in defence of their liberties and religion againſt the perſecuting rage of the Catholics. And it plainly appears from this incident, as well as from many others, that of all European nations, the Britiſh were at that time, and till long after, the moſt under the influence of that religious ſpirit, which tends rather to inflame bigotry than encreaſe peace and mutual charity.

On this occaſion, the commons renewed their eternal complaints againſt the growth of Popery, which was ever the chief of their grievances, and now their only one[c]. They demanded a ſtrict execution of the penal laws againſt the Catholics, and remonſtrated againſt ſome late pardons granted to prieſts[d]. They attacked Montague, one of the king's chaplains, on account of a moderate book which he had lately publiſhed, and which, to their great diſguſt, ſaved virtuous Catholics, as well as other Chriſtians, from eternal torments[e]. Charles gave them a gracious and a compliant anſwer to all their remonſtrances. He was, however, in his heart extremely averſe to theſe furious meaſures. Though a determined Proteſtant, by principle as well as inclination, he had entertained no violent horror againſt Popery; and a little humanity, he thought, was due by the nation to the religion of their anceſtors. That degree of liberty which is now indulged to Catholics, though a party much more obnoxious than during the reign of the Stuarts, it ſuited neither with Charles's ſentiments, nor the humour of the age, to allow them. An abatement of the

c Franklyn, p. 3, &c.
d Parl. Hiſt. vol. vi. p. 374. Journ. 1ſt Auguſt 1625.
e Parl. Hiſt. vol. vi. p. 353. Journ. 7th July 1625.

more

more rigorous laws was all he intended; and his engagements with France, notwithstanding that their regular execution had never been promised or expected, required of him some indulgence. But so unfortunate was this prince, that no measure embraced during his whole reign was ever attended with more unhappy and more fatal consequences. CHAP. I. 1625.

The extreme rage against Popery was a sure characteristic of puritanism. The house of commons discovered other infallible symptoms of the prevalence of that party. They petitioned the king for replacing such able clergy as had been silenced for want of conformity to the ceremonies[f]. They also enacted laws for the strict observance of Sunday, which the Puritans affected to call the Sabbath, and which they sanctified by the most melancholy indolence[g]. It is to be remarked, that the different appellations of this festival were at that time known symbols of the different parties.

The king, finding that the parliament was resolved to grant him no supply, and would furnish him with nothing but empty protestations of duty[h], or disagreeable complaints of grievances, took advantage of the plague[i], which began to appear at Oxford, and, on that pretence, immediately dissolved them. By finishing the session with a dissolution, instead of a prorogation, he sufficiently expressed his displeasure at their conduct.

To supply the want of parliamentary aids, Charles issued privy-seals for borrowing money from his sub- Aug. 12.

f Rush. vol. i. p. 281.

g 1 Car. I. cap. 1. Journ. 21st June 1625.

h Franklyn, p. 113. Rushworth, vol. i. p. 190.

i The plague was really so violent, that it had been moved in the house, at the beginning of the session, to petition the king to adjourn them. Journ. 21st June 1625. So it was impossible to enter upon grievances, even if there had been any. The only business of the parliament was to give supply, which was so much wanted by the king, in order to carry on the war in which they had engaged him.

CHAP. L. 1625.

jects [k]. The advantage reaped by this expedient was a ſmall compenſation for the diſguſt which it occaſioned. By means, however, of that ſupply, and by other expedients, he was, though with difficulty, enabled to equip his fleet. It conſiſted of eighty veſſels, great and ſmall; and carried on board an army of 10,000 men. Sir Edward Cecil, lately created Viſcount Wimbleton, was entruſted with the command. He ſailed immediately for Cadiz, and found the bay full of Spaniſh ſhips of great value. He either neglected to attack theſe ſhips, or attempted it prepoſterouſly. The army was landed, and a fort taken: But the undiſciplined ſoldiers, finding ſtore of wine, could not be reſtrained from the utmoſt exceſſes. Farther ſtay appearing fruitleſs, they were re-embarked; and the fleet put to ſea with an intention of intercepting the Spaniſh galleons. But the plague having ſeized the ſeamen and ſoldiers, they were obliged to abandon all hopes of this prize, and return to England. Loud complaints were made againſt the court for entruſting ſo important a command to a man like Cecil, whom, though he poſſeſſed great experience, the people, judging by the event, eſteemed of ſlender capacity [l].

Oct. 1.

Naval expedition againſt Spain.

Nov.

1626

Charles, having failed of ſo rich a prize, was obliged again to have recourſe to a parliament. Tho' the ill ſucceſs of his enterpriſes diminiſhed his authority, and ſhowed every day more plainly the imprudence of the Spaniſh war; though the increaſe of his neceſſities rendered him more dependent, and more expoſed to the encroachments of the commons; he was reſolved to try once more that regular and conſtitutional expedient for ſupply. Perhaps, too, a little political art, which at that time he practiſed, was much truſted to. He had named four popular leaders, ſheriffs of counties; Sir Edward Coke, Sir

Second parliament.

k Ruſh. vol. i. p. 192. Parl. Hiſt. vol. vi. p. 407.

l Franklyn, p. 113. Ruſhworth, vol. i. p. 196.

Robert

Robert Philips, Sir Thomas Wentworth, and Sir Francis Seymour; and, though the queſtion had been formerly much conteſted [m], he thought that he had by that means incapacitated them from being elected members. But his intention being ſo evident, rather put the commons more upon their guard. Enough of patriots ſtill remained to keep up the ill humour of the houſe; and men needed but little inſtruction or rhetoric to recommend to them practices which increaſed their own importance and conſideration. The weakneſs of the court alſo could not more evidently appear, than by its being reduced to uſe ſo ineffectual an expedient, in order to obtain an influence over the commons. CHAP. L. 1626.

The views, therefore, of the laſt parliament were immediately adopted; as if the ſame men had been every where elected, and no time had intervened ſince their meeting. When the king laid before the houſe his neceſſities, and aſked for ſupply, they immediately voted him three ſubſidies and three fifteenths; and though they afterwards added one ſubſidy more, the ſum was little proportioned to the greatneſs of the occaſion, and ill fitted to promote thoſe views of ſucceſs and glory for which the young prince, in his firſt enterpriſe, ſo ardently longed. But this circumſtance was not the moſt diſagreeable one. The ſupply was only voted by the commons. The paſſing of that vote into a law was reſerved till the end of the ſeſſion [n]. A condition was thereby made, in a very undiſguiſed manner, with their ſovereign. Under colour of redreſſing grievances, which, during this ſhort reign, could not be very numerous, they were to proceed in regulating and controuling every part of government, which Feb. 6.

m It is always an expreſs clauſe in the writ of ſummons, that no ſheriff ſhall be choſen, but the contrary practice had often prevailed. D'Ewes, p. 38. Yet ſtill great doubts were entertained on this head. See Journ. 9th April 1614.

n Journ. 27th March 1626.

CHAP. L. 1626.

displeased them: And if the king either cut them short in this undertaking, or refused compliance with their demands, he must not expect any supply from the commons. Great dissatisfaction was expressed by Charles at a treatment which he deemed so harsh and undutiful[o]. But his urgent necessities obliged him to submit; and he waited with patience, observing to what side they would turn themselves.

Impeachment of Buckingham.

The duke of Buckingham, formerly obnoxious to the public, became every day more unpopular, by the symptoms which appeared both of his want of temper and prudence, and of the uncontrouled ascendant which he had acquired over his master[p]. Two violent attacks he was obliged this session to sustain; one from the earl of Bristol, another from the house of commons.

As long as James lived, Bristol, secure of the concealed favour of that monarch, had expressed all duty and obedience; in expectation that an opportunity would offer of re-instating himself in his former credit and authority. Even after Charles's accession, he despaired not. He submitted to the king's commands of remaining at his country-seat, and of absenting himself from parliament. Many trials he made to regain the good opinion of his master; but finding them all fruitless, and observing Charles to be entirely governed by Buckingham, his implacable enemy, he resolved no longer to keep any measures with the court. A new spirit, he saw, and a new power arising in the nation; and to these he was de-

[o] Parliamentary History, vol. vi. p. 449. Rushworth vol. i. p. 224.

[p] His credit with the king had given him such influence, that he had no less than twenty proxies granted him this parliament by so many peers; which occasioned a vote, that no peer should have above two proxies. The earl of Leicester in 1585 had once ten proxies. D'Ewes, p. 314.

termined

termined for the future to truſt for his ſecurity and protection.

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When the parliament was ſummoned, Charles, by a ſtretch of prerogative, had given orders that no writ, as is cuſtomary, ſhould be ſent to Briſtol [q]. — That nobleman applied to the houſe of Lords by petition; and craved their good offices with the king for obtaining what was his due as a peer of the realm. His writ was ſent him; but accompanied with a letter from the lord keeper, Coventry, commanding him, in the king's name, to abſent himſelf from parliament. This letter Briſtol conveyed to the lords, and aſked advice how to proceed in ſo delicate a ſituation [r]. The king's prohibition was withdrawn, and Briſtol took his ſeat. Provoked at theſe repeated inſtances of rigour, which the court denominated contumacy, Charles ordered his attorney-general to enter an accuſation of high treaſon againſt him. By way of recrimination, Briſtol accuſed Buckingham of high treaſon. Both the earl's defence of himſelf and accuſation of the duke remain [s]; and, together with ſome original letters ſtill extant, contain the fulleſt and moſt authentic account of all the negociations with the houſe of Auſtria. From the whole, the great imprudence of the duke evidently appears, and the ſway of his ungovernable paſſions; but it would be difficult to collect thence any action which, in the eye of law, could be deemed a crime; much leſs could ſubject him to the penalty of treaſon. 1626.

The impeachment of the commons was ſtill leſs dangerous to the duke, were it eſtimated by the ſtandard of law and equity. The houſe, after having voted, upon ſome queries of Dr Turner's, *that*

q Ruſhworth, vol. i. p. 236.
r Ibid. vol. i. p. 237. Franklyn, p. 120, &c.
s Ruſhworth, vol. i. p. 256, 262, 263, &c. Franklyn, p. 123, &c.

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common fame was a ſufficient ground of accuſation by the commons[r], proceeded to frame regular articles againſt Buckingham. They accuſed him of having united many offices in his perſon; of having bought two of them; of neglecting to guard the ſeas, inſomuch that many merchant ſhips had fallen into the hands of the enemy; of delivering ſhips to the French king, in order to ſerve againſt the Hugonots; of being employed in the ſale of honours and offices; of accepting extenſive grants from the crown; of procuring many titles of honour for his kindred; and of adminiſtering phyſic to the late king without acquainting his phyſicians. All theſe articles appear, from comparing the accuſation and reply, to be either frivolous, or falſe, or both[s]. The only charge which could be regarded as important, was, that he had extorted a ſum of 10,000 l. from the Eaſt India Company, and that he had confiſcated ſome goods belonging to French merchants, on pretence of their being the property of Spaniſh. The impeachment never came to a full determination; ſo that it is difficult for us to give a deciſive opinion with regard to theſe articles: But it muſt be confeſſed, that the duke's anſwer in theſe particulars, as in all the reſt, is ſo clear and ſatisfactory, that it is impoſſible to refuſe our aſſent to it[t]. His faults and blemiſhes were in many reſpects very great; but rapacity and avarice were vices with which he was entirely unacquainted.

It is remarkable, that the commons, though ſo much at a loſs to find articles of charge againſt Buckingham, never adopted Briſtol's accuſation, or impeached the duke for his conduct in the Spaniſh treaty, the moſt blameable circumſtance in his whole life. He had reaſon to believe the Spaniards ſincere in their profeſſions; yet, in order to gratify his

r Ruſhworth, vol. i. p. 217. Whitlocke, p. 5.
s Ruſhworth, vol. i. p. 306, &c. 375, &c. Journ. 25th March 1626.
t Whitlocke, p. 7.

private

private paſſions, he had hurried his maſter and his country into a war pernicious to the intereſts of both. But ſo rivetted throughout the nation were the prejudices with regard to Spaniſh deceit and falſehood, that very few of the commons ſeem as yet to have been convinced that they had been ſeduced by Buckingham's narrative: A certain proof that a diſcovery of this nature was not, as is imagined by ſeveral hiſtorians, the cauſe of ſo ſudden and ſurpriſing a variation in the meaſures of the parliament [u]. CHAP. L. 1626.

While the commons were thus warmly engaged againſt Buckingham, the king ſeemed deſirous of embracing every opportunity by which he could expreſs a contempt and diſregard for them. No one was at that time ſufficiently ſenſible of the great weight which the commons bore in the balance of the conſtitution. The hiſtory of England had never hitherto afforded one inſtance, where any great movement or revolution had proceeded from the lower houſe. And as their rank, both conſidered in a body and as individuals, was but the ſecond in the kingdom, nothing leſs than fatal experience could engage the Engliſh princes to pay a due regard to the inclinations of that formidable aſſembly.

The earl of Suffolk, chancellor of the univerſity of Cambridge, dying about this time, Buckingham, though lying under impeachment, was yet, by means of court-intereſt, choſen in his place. The commons reſented and loudly complained of this affront; and the more to enrage them, the king himſelf wrote a letter to the univerſity, extolling the duke, and giving them thanks for his election [w].

The lord keeper, in the king's name, expreſsly commanded the houſe not to meddle with his miniſter

u See note [T] at the end of the volume. w Ruſhworth, vol. i. p. 371.

and

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and ſervant, Buckingham; and ordered them to finiſh, in a few days, the bill, which they had begun for the ſubſidies, and to make ſome addition to them; otherwiſe they muſt not expect to ſit any longer [x]. And though theſe harſh commands were endeavoured to be explained and mollified a few days after, by a ſpeech of Buckingham's [y], they failed not to leave a diſagreeable impreſſion behind them.

Beſides a more ſtately ſtile which Charles in general affected to this parliament than to the laſt, he went ſo far, in a meſſage, as to threaten the commons, that, if they did not furniſh him with ſupplies, he ſhould be obliged to try *new counſels*. This language was ſufficiently clear: Yet, leſt any ambiguity ſhould remain, Sir Dudley Carleton, vice-chamberlain, took care to explain it. "I pray you conſider," ſaid he, "what theſe new counſels are or "may be. I fear to declare thoſe that I conceive. "In all Chriſtian kingdoms, you know that parliaments were in uſe anciently, by which thoſe kingdoms were governed in a moſt flouriſhing manner; until the monarchs began to know their own "ſtrength, and, ſeeing the turbulent ſpirit of their "parliaments, at length they, by little and little, began to ſtand on their prerogatives, and at laſt overthrew the parliaments, throughout Chriſtendom, except here only with us.——Let us be "careful then to preſerve the king's good opinion "of parliaments, which bringeth ſuch happineſs to "this nation, and makes us envied of all others, "while there is this ſweetneſs between his majeſty "and the commons, leſt we loſe the repute of a "free people by our turbulency in parliament [z]." Theſe imprudent ſuggeſtions rather gave warning than ſtruck terror. A precarious liberty, the com-

x Parl. Hiſt. vol. vi. p. 444.
y Id. Ibid. p. 451. Ruſhworth, vol. i. p. 225. Franklyn, p. 118.
z Ruſhworth, vol. i. p. 359. Whitlocke, p. 6.

mons

mons thought, which was to be preſerved by unlimited complaiſance, was no liberty at all. And it was neceſſary, while yet in their power, to ſecure the conſtitution by ſuch invincible barriers, that no king or miniſter ſhould ever, for the future, dare to ſpeak ſuch a language to any parliament, or even entertain ſuch a project againſt them. CHAP. L. 1626.

Two members of the houſe, Sir Dudley Digges and Sir John Elliott, who had been employed as managers of the impeachment againſt the duke, were thrown into priſon [a]. The commons immediately declared, that they would proceed no farther upon buſineſs, till they had ſatisfaction in their privileges. Charles alleged, as the reaſon of this meaſure, certain ſeditious expreſſions which, he ſaid, had, in their accuſation of the duke, dropped from theſe members. Upon enquiry, it appeared that no ſuch expreſſion had been uſed [b]. The members were releaſed, and the king reaped no other benefit from this attempt than to exaſperate the houſe ſtill farther, and to ſhow ſome degree of precipitancy and indiſcretion.

Moved by this example, the houſe of peers were rouzed from their inactivity; and claimed liberty for the earl of Arundel, who had been lately confined in the Tower. After many fruitleſs evaſions, the king, though ſomewhat ungracefully, was at laſt obliged to comply [c]. And in this incident it ſufficiently appeared, that the lords, how little ſoever inclined to popular courſes, were not wanting in a juſt ſenſe of their own dignity.

The ill humour of the commons, thus wantonly irritated by the court, and finding no gratification in the legal impeachment of Buckingham, ſought other objects, on which it might exert itſelf. The never-

a Ruſhworth, vol. i. p. 356.
b Id. ibid. p. 358. 361. Franklyn, p 180.
c Ruſhworth, vol. i. p. 363, 364, &c. Franklyn, p. 181.

failing

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failing cry of Popery here ſerved them in ſtead. They again claimed the execution of the penal laws againſt Catholics; and they preſented to the king a liſt of perſons entruſted with offices, moſt of them inſignificant, who were either convicted or ſuſpected recuſants[d]. In this particular they had, perhaps, ſome reaſon to blame the king's conduct. He had promiſed to the laſt houſe of commons a redreſs of this religious grievance: But he was apt, in imitation of his father, to imagine, that the parliament, when they failed of ſupplying his neceſſities, had, on their part, freed him from the obligation of a ſtrict performance. A new odium, likewiſe, by theſe repreſentations, was attempted to be thrown upon Buckingham. His mother, who had great influence over him, was a profeſſed Catholic; his wife was not free from ſuſpicion: And the indulgence given to Catholics was of courſe ſuppoſed to proceed entirely from his credit and authority. So violent was the bigotry of the times, that it was thought a ſufficient reaſon for diſqualifying any one from holding an office, that his wife, or relations, or companions, were Papiſts, though he himſelf were a conformiſt[e].

It is remarkable, that perſecution was here chiefly puſhed on by laymen; and that the church was willing to have granted more liberty than would be allowed by the commons. The reconciling doctrines likewiſe of Montague failed not anew to meet with ſevere cenſures from that zealous aſſembly[f].

The next attack, made by the commons, had it prevailed, would have proved deciſive. They were preparing a remonſtrance againſt the levying of tonnage and poundage without conſent of parliament. This article, together with the new impoſitions laid on merchandize by James, conſtituted near half of

d Franklyn, p. 195. Ruſhworth.
e See the liſt in Franklyn and Ruſhworth.
f Ruſhworth, vol. i. p. 209.

the

the crown-revenues; and by depriving the king of these resources, they would have reduced him to total subjection and dependence. While they retained such a pledge, besides the supply already promised, they were sure that nothing could be refused them. Though after canvassing the matter near three months, they found themselves utterly incapable of fixing any legal crime upon the duke, they regarded him as an unable and perhaps a dangerous minister; and they intended to present a petition, which would then have been equivalent to a command, for removing him from his majesty's person and councils[g].

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The king was alarmed at the yoke which he saw prepared for him. Buckingham's sole guilt, he thought, was the being his friend and favourite[h]. All the other complaints against him were mere pretences. A little before he was the idol of the people. No new crime had since been discovered. After the most diligent enquiry, prompted by the greatest malice, the smallest appearance of guilt could not be fixed upon him. What idea, he asked, must all mankind entertain of his honour, should be sacrifice his innocent friend to pecuniary considerations?—What farther authority should he retain in the nation, were he capable, in the beginning of his reign, to give, in so signal an instance, such matter of triumph to his enemies, and discouragement to his adherents? To-day, the commons pretend to wrest his minister from him. To-morrow, they will attack some branch of his prerogative. By their remonstrances, and promises, and protestations, they had engaged the crown in a war. As soon as they saw a retreat impossible, without waiting for new incidents, without covering themselves with new pretences, they immediately deserted him, and refused him all reasonable supply. It was evident, that they

g Rushworth, vol. i. p. 400. Franklyn, p. 199. h Franklyn, p. 178.

desired

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desired nothing so much as to see him plunged in inextricable difficulties, of which they intended to take advantage. To such deep perfidy, to such unbounded usurpations, it was necessary to oppose a proper firmness and resolution. All encroachments on supreme power could only be resisted successfully on the first attempt. The sovereign authority was, with some difficulty, reduced from its ancient and legal height; but when once pushed downwards, it soon became contemptible, and would easily, by the continuance of the same effort, now encouraged by success, be carried to the lowest extremity.

Prompted by these plausible motives, Charles was determined immediately to dissolve the parliament. When this resolution was known, the house of peers, whose compliant behaviour entitled them to some authority with him, endeavoured to interpose[i]; and they petitioned him, that he would allow the parliament to sit some time longer. *Not a moment longer*, cried the king, hastily[k]; and he soon after ended the session by a dissolution.

As this measure was foreseen, the commons took care to finish and disperse their remonstrance, which they intended as a justification of their conduct to the people. The king likewise, on his part, published a declaration, in which he gave the reasons of his disagreement with the parliament, and of their sudden dissolution, before they had time to conclude any one act[l]. These papers furnished the partizans on both sides with ample matter of apology or of recrimination. But all impartial men judged, "*That* "the commons, though they had not as yet violated "any law, yet, by their unpliableness and independence, were insensibly changing, perhaps improving, the spirit and genius, while they preserved

June 15.

[i] Rushworth, vol. i. p. 398.
[k] Sanderson's Life of Charles I. p. 58.
[l] Franklyn, p. 203, &c. Parl. Hist. vol. vii. p. 300.

"the

" the forms of the conſtitution: And *that* the king " was acting altogether without any plan; running " on in a road ſurrounded on all ſides with the moſt " dangerous precipices, and concerting no proper " meaſures, either for ſubmitting to the obſtinacy " of the commons, or for ſubduing it." CHAP. L. 1626.

After a breach with the parliament, which ſeemed ſo difficult to repair, the only rational counſel which Charles could purſue, was immediately to conclude a peace with Spain, and to render himſelf, as far as poſſible, independent of his people, who diſcovered ſo little inclination to ſupport him, or rather who ſeem to have formed a determined reſolution to abridge his authority. Nothing could be more eaſy in the execution than this meaſure, nor more agreeable to his own and to national intereſt. But, beſides the treaties and engagements which he had entered into with Holland and Denmark, the king's thoughts were at this time averſe to pacific counſels. There are two circumſtances in Charles's character, ſeemingly incompatible, which attended him during the whole courſe of his reign, and were in part the cauſe of his misfortunes: He was very ſteady and even obſtinate in his purpoſe; and he was eaſily governed, by reaſon of his facility, and of his deference to men much inferior to himſelf both in morals and underſtanding. His great ends he inflexibly maintained: But the means of attaining them, he readily received from his miniſters and favourites, though not always fortunate in his choice. The violent, impetuous Buckingham, inflamed with a deſire of revenge for injuries which he himſelf had committed, and animated with a love of glory which he had not talents to merit, had at this time, notwithſtanding his profuſe licentious life, acquired an invincible aſcendant over the virtuous and gentle temper of the king.

The *new counſels*, which Charles had mentioned to the parliament, were now to be tried, in order to ſupply his neceſſities. Had he poſſeſſed any military force,

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force, on which he could rely, it is not improbable that he had at once taken off the maſk, and governed without any regard to parliamentary privileges: So high an idea had he received of kingly prerogative, and ſo contemptible a notion of the rights of thoſe popular aſſemblies, from which he very naturally thought he had met with ſuch ill uſage. But his army was new levied, ill paid, and worſe diſciplined; no-wiſe ſuperior to the militia, who were much more numerous, and who were in a great meaſure under the influence of the country gentlemen. It behoved him, therefore, to proceed cautiouſly, and to cover his enterprizes under the pretence of ancient precedents, which, conſidering the great authority commonly enjoyed by his predeceſſors, could not be wanting to him.

A commiſſion was openly granted to compound with the Catholics, and agree for diſpenſing with the penal laws enacted againſt them [m]. By this expedient the king both filled his coffers, and gratified his inclination of giving indulgence to theſe religioniſts: But he could not have employed any branch of prerogative which would have been more diſagreeable, or would have appeared more exceptionable, to his Proteſtant ſubjects.

From the nobility, he deſired aſſiſtance: From the city, he required a loan of 100,000 pounds. The former contributed ſlowly: But the latter, covering themſelves under many pretences and excuſes, gave him at laſt a flat refuſal [n].

In order to equip a fleet, a diſtribution, by order of council, was made to all the maritime towns; and each of them was required, with the aſſiſtance of the adjacent counties, to arm ſo many veſſels as were appointed them [o]. The city of London was rated at twenty ſhips. This is the firſt appearance, in Charles's

m Ruſhworth, vol. i. p. 413. Whitlocke, p. 7.
n Ruſhworth, vol. i. p. 415. Franklyn, p. 206.
o Ruſhworth ut ſupra.

reign,

reign, of ſhip-money; a taxation which had once been impoſed by Elizabeth, but which afterwards, when carried ſome ſteps farther by Charles, created ſuch violent diſcontents. CHAP. I. 1626.

Of ſome, loans were required[p]: To others the way of benevolence was propoſed: Methods ſupported by precedent, but always invidious, even in times more ſubmiſſive and compliant. In the moſt abſolute governments, ſuch expedients would be regarded as irregular and unequal.

Theſe counſels for ſupply were conducted with ſome moderation; till news arrived, that a great battle was fought between the king of Denmark, and Count Tilly the Imperial general; in which the former was totally defeated. Money now, more than ever, became neceſſary, in order to repair ſo great a breach in the alliance, and to ſupport a prince who was ſo nearly allied to Charles, and who had been engaged in the war chiefly by the intrigues, ſolicitations, and promiſes of the Engliſh monarch. After ſome deliberation, an act of council was paſſed, importing, that as the urgency of affairs admitted not the way of parliament, the moſt ſpeedy, equal, and convenient method of ſupply was by a GENERAL LOAN from the ſubject, according as every man was aſſeſſed in the rolls of the laſt ſubſidy. That preciſe ſum was required which each would have paid had the vote of four ſubſidies paſſed into a law: But care was taken to inform the people, that the ſums exacted were not to be called ſubſidies, but loans[q]. Had any doubt remained, whether forced loans, however authoriſed by precedent, and even by ſtatute, were a violation of liberty, and muſt, by neceſſary conſequence, render all parliaments ſuperfluous, this was the proper expedient for opening the Aug. 25.

p Ruſhworth, vol. i. p. 416, q Ibid. p. 418. Whitlocke, p. 8.

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eyes of the whole nation. The example of Henry VIII. who had once, in his arbitrary reign, practiſed a like method of levying a regular ſupply, was generally deemed a very inſufficient authority.

The commiſſioners appointed to levy theſe loans, among other articles of ſecret inſtruction, were enjoined, "If any ſhall refuſe to lend, and ſhall make "delays or excuſes, and perſiſt in his obſtinacy, that "they examine him upon oath, Whether he has "been dealt with to deny or refuſe to lend, or "make an excuſe for not lending? Who has dealt "with him, and what ſpeeches or perſuaſions were "uſed to that purpoſe? And that they alſo ſhall "charge every ſuch perſon, in his majeſty's name, "upon his allegiance, not to diſcloſe to any one "what his anſwer was[r]." So violent an inquiſitorial power, ſo impracticable an attempt at ſecrecy, were the objects of indignation, and even, in ſome degree, of redicule.

That religious prejudices might ſupport civil authority, ſermons were preached by Sibthorpe and Manwaring, in favour of the general loan; and the court induſtriouſly ſpread them over the kingdom. Paſſive obedience was there recommended in its full extent; the whole authority of the ſtate was repreſented as belonging to the king alone; and all limitations of law and a conſtitution were rejected as ſeditious and impious[s]. So openly was this doctrine eſpouſed by the court, that Archbiſhop Abbot, a popular and virtuous prelate, was, becauſe he refuſed to licenſe Sibthorpe's ſermon, ſuſpended from the exerciſe of his office, baniſhed from London, and confined to one of his country-ſeats[t]. Abbot's principles of liberty, and his oppoſition to Buckingham, had always rendered him very ungracious at court, and had acquired him the character of a Puritan.

r Ruſh. vol. I. p. 419. Franklyn, p. 207.
s Ruſh. vol. i. p. 422. Franklyn, p. 208.
t Ruſhworth, vol. i. p. 431.

ritan. For it is remarkable, that this party made the privileges of the nation as much a part of their religion, as the church-party did the prerogatives of the crown; and nothing tended farther to recommend among the people, who always take opinions in the lump, the whole ſyſtem and all the principles of the former ſect. The king ſoon found, by fatal experience, that this engine of religion, which, with ſo little neceſſity was introduced into politics, falling under more fortunate management, was played with the moſt terrible ſucceſs againſt him. CHAP. I. 1626.

While the king, inſtigated by anger and neceſſity, thus employed the whole extent of his prerogative, the ſpirit of the people was far from being ſubdued. Throughout England, many refuſed theſe loans; ſome were even active in encouraging their neighbours to inſiſt upon their common rights and privileges. By warrant of the council, *theſe* were thrown into priſon [t]. Moſt of them with patience ſubmitted to confinement, or applied by petition to the king, who commonly releaſed them. Five gentlemen alone, Sir Thomas Darnel, Sir John Corbet, Sir Walter Earl, Sir John Heveningham, and Sir Edmond Hambden, had ſpirit enough, at their own hazard and expence, to defend the public liberties, and to demand releaſement, not as a favour from the court, but as their due, by the laws of their country [u]. No particular cauſe was aſſigned of their commitment. The ſpecial command alone of the king and council was pleaded. And it was aſſerted, that, by law, this was not ſufficient reaſon for refuſing bail or releaſement to the priſoners.

This queſtion was brought to a ſolemn trial before the king's bench; and the whole kingdom was attentive to the iſſue of a cauſe, which was of much greater conſequence than the event of many battles.

t Ruſh. vol. i. p. 429. Franklyn, p. 219.

u Ruſh. vol. i. p. 458. Franklyn, p. 234. Whitlocke, p. 8.

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By the debates on this ſubject, it appeared, beyond controverſy, to the nation, that their anceſtors had been ſo jealous of perſonal liberty, as to ſecure it againſt arbitrary power in the crown, by ſix [w] ſeveral ſtatutes, and by an article [x] of the GREAT CHARTER itſelf, the moſt ſacred foundation of the laws and conſtitution. But the kings of England, who had not been able to prevent the enacting of theſe laws, had ſufficient authority, when the tide of liberty was ſpent, to obſtruct their regular execution; and they deemed it ſuperfluous to attempt the formal repeal of ſtatutes which they found ſo many expedients and pretences to elude. Turbulent and ſeditious times frequently occurred, when the ſafety of the people abſolutely required the confinement of factious leaders; and by the genius of the old conſtitution, the prince, of himſelf, was accuſtomed to aſſume every branch of prerogative, which was found neceſſary for the preſervation of public peace and of his own authority. Expediency, at other times, would cover itſelf under the appearance of neceſſity; and, in proportion as precedents multiplied, the will alone of the ſovereign was ſufficient to ſupply the place of expediency, of which he conſtituted himſelf the ſole judge. In an age and nation where the power of a turbulent nobility prevailed, and where the king had no ſettled military force, the only means that could maintain public peace, was the exertion of ſuch prompt and diſcretionary powers in the crown; and the public itſelf had become ſo ſenſible of the neceſſity, that thoſe ancient laws in favour of perſonal liberty, while often violated, had never been challenged or revived, during the courſe of near three centuries. Though rebellious ſubjects had frequently, in the open field, reſiſted the king's

[w] 25 Edw. III. cap. 4. 28 Edw. III. cap. 3. 37 Edw. III. cap. 18. 38 Edw. III. cap. 9. 42 Edw. III. cap. 3. 1 Richard II cap. 12.

[x] Chap. 29.

authority;

authority; no perſon had been found ſo bold, while confined and at mercy, as to ſet himſelf in oppoſition to regal power, and to claim the protection of the conſtitution againſt the will of the ſovereign. It was not till this age, when the ſpirit of liberty was univerſally diffuſed, when the principles of government were nearly reduced to a ſyſtem, when the tempers of men, more civilized, ſeemed leſs to require thoſe violent exertions of prerogative, that theſe five gentlemen above mentioned, by a noble effort, ventured, in this national cauſe, to bring the queſtion to a final determination. And the king was aſtoniſhed to obſerve, that a power, exerciſed by his predeceſſors, almoſt without interruption, was found, upon trial, to be directly oppoſite to the cleareſt laws, and ſupported by few undoubted precedents in courts of judicature. Theſe had ſcarcely, in any inſtance, refuſed bail upon commitments by ſpecial command of the king; becauſe the perſons committed had ſeldom or never dared to demand it; at leaſt, to inſiſt on their demand.

CHAP. L. 1616.

Sir Randolf Crew, chief juſtice, had been diſplaced, as unfit for the purpoſes of the court: Sir Nicholas Hyde, eſteemed more obſequious, had obtained that high office: Yet the judges, by his direction, went no farther than to remand the gentlemen to priſon, and refuſe the bail which was offered [y]. Heathe, the attorney-general, inſiſted, that the court, in imitation of the judges in the 34th of Elizabeth [z], ſhould enter a general judgment that no bail could be granted upon a commitment by the king or council [a]. But the judges wiſely declined complying. The nation, they ſaw, was already, to the laſt degree, exaſperated. In the preſent diſpoſition of men's minds, univerſal complaints pre- 1617.

[y] Ruſhworth, vol. i. p. 462.
[z] State Trials, vol. vii. p. 147.
[a] State Trials, ibid. p. 161.

CHAP. L. 1627.

vailed, as if the kingdom were reduced to ſlavery. And the moſt invidious prerogative of the crown, it was ſaid, that of impriſoning the ſubject, is here openly and ſolemnly, and in numerous inſtances, exerciſed for the moſt invidious purpoſe; in order to extort loans, or other ſubſidies, without conſent of parliament.

But this was not the only hardſhip of which the nation then thought, they had reaſon to complain. The army, which had made the fruitleſs expedition to Cadiz, was diſperſed throughout the kingdom; and money was levied upon the counties for the payment of their quarters [b].

The ſoldiers were billeted upon private houſes, contrary to cuſtom, which required, that, in all ordinary caſes, they ſhould be quartered in inns and public houſes [c].

Thoſe who had refuſed or delayed the loan, were ſure to be loaded with a great number of theſe dangerous and diſorderly gueſts.

Many, too, of low condition, who had ſhown a refractory diſpoſition, were preſſed into the ſervice, and inliſted in the fleet or army [d]. Sir Peter Hayman, for the ſame reaſon, was diſpatched on an errand to the Palatinate [e]. Glanville, an eminent lawyer, had been obliged, during the former interval of parliament, to accept of an office in the navy [f].

The ſoldiers, ill paid and undiſciplined, committed many crimes and outrages; and much encreaſed the public diſcontents. To prevent theſe diſorders, martial law, ſo requiſite to the ſupport of diſcipline, was exerciſed upon the ſoldiers. By a contradiction, which is natural when the people are exaſperated, the outrages of the army were complained of; the

b Ruſhworth, vol. i. p. 419.
c Ibid.
d Ibid. p. 422.
e Ibid. p. 431.
f Parl. Hiſt. vol. vii. p. 310.

remedy

remedy was thought ſtill more intolerable[g]. Tho' the expediency, if we are not rather to ſay the neceſſity of martial law, had formerly been deemed, of itſelf, a ſufficient ground for eſtabliſhing it; men, now become more jealous of liberty, and more refined reaſoners in queſtions of government, regarded as illegal and arbitrary every exerciſe of authority, which was not ſupported by expreſs ſtatute, or uninterrupted precedent. CHAP. L. 1627.

It may ſafely be affirmed, that, except a few courtiers or eccleſiaſtics, all men were diſpleaſed with this high exertion of prerogative, and this new ſpirit of adminiſtration. Though ancient precedents were pleaded in favour of the king's meaſures, a conſiderable difference, upon compariſon, was obſerved between the caſes. Acts of power, however irregular, might caſually, and at intervals, be exerciſed by a prince, for the ſake of diſpatch or expediency; and yet liberty ſtill ſubſiſt, in ſome tolerable degree, under his adminiſtration. But where all theſe were reduced into a ſyſtem, were exerted without interruption, were ſtudiouſly ſought for, in order to ſupply the place of laws, and ſubdue the refactory ſpirit of the nation; it was neceſſary to find ſome ſpeedy remedy, or finally to abandon all hopes of preſerving the freedom of the conſtitution. Nor did moderate men eſteem the provocation which the king had received, though great, ſufficient to warrant all theſe violent meaſures. The commons, as yet, had nowiſe invaded his authority: They had only exerciſed, as beſt pleaſed them, their own privileges. Was he juſtifiable, becauſe from one houſe of parliament he had met with harſh and unkind treatment, to make, in revenge, an invaſion on the rights and liberties of the whole nation?

But great was at this time the ſurpriſe of all men, when Charles, baffled in every attempt againſt the

g Ruſhworth, vol. i. p. 419. Whitlocke, p. 7.

CHAP. L. 1627.

Auſtrian dominions, embroiled with his own ſubjects, unſupplied with any treaſure but what he extorted by the moſt invidious and moſt dangerous meaſures; as if the half of Europe, now his enemy, were not ſufficient for the exerciſe of military prowеſs; wantonly attacked France, the other great kingdom in his neighbourhood, and engaged at once in war againſt theſe two powers, whoſe intereſts were hitherto deemed ſo incompatible, that they could never, it was thought, agree either in the ſame friendſhips or enmities. All authentic memoirs, both foreign and domeſtic, aſcribed to Buckingham's counſels this war with France, and repreſent him, as actuated by motives which would appear incredible, were we not acquainted with the violence and temerity of his character.

War with France.

The three great monarchies of Europe were at this time ruled by young princes, Philip, Louis, and Charles, who were nearly of the ſame age, and who had reſigned the government of themſelves and of their kingdoms, to their creatures and miniſters, Olivarez, Richelieu, and Buckingham. The people, whom the moderate temper or narrow genius of their princes, would have allowed to remain for ever in tranquillity, were ſtrongly agitated by the emulation and jealouſy of the miniſters. Above all, the towering ſpirit of Richelieu, incapable of reſt, promiſed an active age, and gave indications of great revolutions throughout all Europe.

This man had no ſooner, by ſuppleneſs and intrigue, gotten poſſeſſion of the reins of government, than he formed, at once, three mighty projects; to ſubdue the turbulent ſpirits of the great, to reduce the rebellious Hugonots, and to curb the encroaching power of the houſe of Auſtria. Undaunted and implacable, prudent and active, he braved all the oppoſition of the French princes and nobles in the proſecution of his vengeance; he diſcovered and

diſſipated

dissipated all their secret cabals and conspiracies. His sovereign himself he held in subjection, while he exalted the throne. The people, while they lost their liberties, acquired, by means of his administration, learning, order, discipline, and renown. That confused and inaccurate genius of government, of which France partook in common with other European kingdoms, he changed into a simple monarchy; at the very time when the incapacity of Buckingham encouraged the free spirit of the commons to establish in England a regular system of liberty. CHAP. I. 1623.

However unequal the comparison between these ministers, Buckingham had entertained a mighty jealousy against Richelieu; a jealousy not founded on rivalship of power and politics, but of love and gallantry; where the duke was as much superior to the cardinal, as he was inferior in every other particular.

At the time when Charles married by proxy the Princess Henrietta, the duke of Buckingham had been sent to France, in order to grace the nuptials, and conduct the new queen into England. The eyes of the French court were directed by curiosity towards that man who had enjoyed the unlimited favour of two successive monarchs, and who, from a private station, had mounted, in the earliest youth, to the absolute government of three kingdoms. The beauty of his person, the gracefulness of his air, the splendor of his equipage, his fine taste in dress, festivals, and carousals, corresponded to the prepossessions entertained in his favour: The affability of his behaviour, the gaiety of his manners, the magnificence of his expence, encreased still farther the general admiration which was paid him. All business being already concerted, the time was entirely spent in mirth and entertainments; and during those splendid scenes among that gay people, the duke found himself in a situation where he was perfectly qualified

CHAP. L. 1627.

fied to excel [h]. But his great ſucceſs at Paris proved as fatal as his former failure at Madrid. Encouraged by the ſmiles of the court, he dared to carry his ambitious addreſſes to the queen herſelf; and he failed not to make impreſſion on a heart not undiſpoſed to the tender paſſions. That attachment, at leaſt, of the mind, which appears ſo delicious, and is ſo dangerous, ſeems to have been encouraged by the princeſs; and the duke preſumed ſo far on her good graces, that, after his departure, he ſecretly returned upon ſome pretence, and, paying a viſit to the queen, was diſmiſſed with a reproof which favoured more of kindneſs than of anger [i].

Information of this correſpondence was ſoon carried to Richelieu. The vigilance of that miniſter was here farther rouzed by jealouſy. He, too, either from vanity or politics, had ventured to pay his addreſſes to the queen. But a prieſt, paſt middle age, of a ſevere character, and occupied in the moſt extenſive plans of ambition or vengeance, was but an unequal match in that conteſt for a young courtier, entirely diſpoſed to gaiety and gallantry. The cardinal's diſappointment ſtrongly inclined him to counterwork the amorous projects of his rival. When the duke was making preparations for a new embaſſy to Paris, a meſſage was ſent him from Lewis, that he muſt not think of ſuch a journey. In a romantic paſſion, he ſwore, *That he would ſee the queen, in ſpite of all the power of France;* and, from that moment, he determined to engage England in a war with that kingdom [k].

He firſt took advantage of ſome quarrels, excited by the queen of England's attendants; and he perſuaded Charles to diſmiſs at once, all her French ſervants, contrary to the articles of the marriage treaty [l]. He encouraged the Engliſh ſhips of war and

h Clarendon, vol. i. p. 38.
i Memoires de Mad. de Motteville.
k Clarendon, vol. i. p. 38.
l Ruſhworth, vol. i. p. 423, 424.

privateers

privateers to seize vessels belonging to French merchants; and *these* he forthwith condemned as prizes, by a sentence of the court of admiralty. But finding that all these injuries produced only remonstrances and embassies, or at most reprisals, on the part of France, he resolved to second the intrigues of the duke of Soubize, and to undertake at once a military expedition against that kingdom. CHAP. L. 1627.

Soubize, who, with his brother, the duke of Rohan, was the leader of the Hugonot faction, was at that time in London, and strongly solicited Charles to embrace the protection of these distressed religionists. He represented, that, after the inhabitants of Rochelle had been repressed by the combined squadrons of England and Holland, after peace was concluded with the French king under Charles's mediation, the ambitious cardinal was still meditating the destruction of the Hugonots; that preparations were silently making in every province of France for the suppression of their religion; that forts were erected in order to bridle Rochelle, the most considerable bulwark of the Protestants; that the reformed in France cast their eyes on Charles as the head of their faith, and considered him as a prince engaged by interest as well as inclination to support them; that, so long as their party subsisted, Charles might rely on their attachment as much as on that of his own subjects; but if their liberties were once ravished from them, the power of France, freed from this impediment, would soon become formidable to England, and to all the neighbouring nations.

Though Charles probably bore but small favour to the Hugonots, who so much resembled the Puritans in discipline and worship, in religion and politics, he yet allowed himself to be gained by these arguments, enforced by the solicitations of Buckingham. A fleet of a hundred sail, and an army of 7000 men, were fitted out for the invasion of France, and both of them

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1627.

them entrusted to the command of the duke, who was altogether unacquainted both with land and sea service. The fleet appeared before Rochelle; but so ill-concerted were Buckingham's measures, that the inhabitants of that city shut their gates, and refused to admit allies, of whose coming they were not previously informed[m]. All his military operations showed equal incapacity and inexperience. Instead of attacking Oleron, a fertile island and defenceless, he bent his course to the isle of Rhé, which was well garrisoned and fortified. Having landed his men, though with some loss, he followed not the blow, but allowed Toiras, the French governor, five days respite; during which St Martin was victualled and provided for a siege[n]. He left behind him the small fort of Prie, which could at first have made no manner of resistance. Though resolved to starve St Martin, he guarded the sea negligently, and allowed provisions and ammunition to be thrown into it: Despairing to reduce it by famine, he attacked it without having made any breach, and rashly threw away the lives of the soldiers: Having found that a French army had stolen over in small divisions, and had landed at Prie, the fort which he had at first overlooked, he began to think of a retreat; but made it so unskilfully, that it was equivalent to a total rout. He was the last of the army that embarked; and he returned to England, having lost two thirds of his land forces; totally discredited both as an admiral and a general; and bringing no praise with him, but the vulgar one of courage and personal bravery.

9th July. Expedition to the Isle of Rhé.

Oct. 28.

The duke of Rohan, who had taken arms as soon as Buckingham appeared upon the coast, discovered the dangerous spirit of the sect, without being able

m Rushworth, vol. i. p. 426.
n Whitlocke, p. 8. Sir Philip Warwick, p. 25.

to

to do any miſchief. The inhabitants of Rochelle, who had at laſt been induced to join the Engliſh, haſtened the vengeance of their maſter, exhauſted their proviſions in ſupplying their allies, and were threatened with an immediate ſiege. Such were the fruits of Buckingham's expedition againſt France. CHAP. I. 1627.

CHAP.

CHAP. LI.

Third Parliament——Petition of right——Prorogation——Death of Buckingham——New ſeſſion of parliament——Tonnage and poundage——Arminianiſm——Diſſolution of the parliament.

CHAP. LI. 1628.

THERE was reaſon to apprehend ſome diſorder or inſurrection from the diſcontents which prevailed among the people in England. Their liberties, they believed, were raviſhed from them; illegal taxes extorted; their commerce, which had met with a ſevere check from the Spaniſh, was totally annihilated by the French war; thoſe military honours tranſmitted to them from their anceſtors, had received a grievous ſtain, by two unſucceſsful and ill-conducted expeditions; ſcarce an illuſtrious family but mourned, from the laſt of them, the loſs of a ſon or brother; greater calamities were dreaded from the war with theſe powerful monarchies, concurring with the internal diſorders under which the nation laboured. And theſe ills were aſcribed, not to the refractory diſpoſition of the two former parliaments, to which they were partly owing; but ſolely to Charles's obſtinacy in adhering to the counſels of Buckingham; a man nowiſe intitled, by his birth, age, ſervices, or merit, to that unlimited confidence repoſed in him. To be ſacrificed to the intereſt, policy, and ambition of the great, is ſo much the common lot of the people, that they may appear unreaſonable who would pretend to complain of it: But to be the victim of the frivolous gallantry of a favourite, and of his boyiſh caprices, ſeemed the object of peculiar indignation.

In

In this situation, it may be imagined, the king and the duke dreaded, above all things, the assembling of a parliament: But so little foresight had they possessed in their enterprizing schemes, that they found themselves under an absolute necessity of embracing that expedient. The money levied, or rather extorted, under colour of prerogative, had come in very slowly, and had left such ill-humour in the nation, that it appeared dangerous to renew the experiment. The absolute necessity of supply, it was hoped, would engage the commons to forget all past injuries; and, having experienced the ill effects of former obstinacy, they would probably assemble with a resolution of making some reasonable compliances. The more to soften them, it was concerted, by Sir Robert Cotton's advice[o], that Buckingham should be the first person that proposed in council the calling of a new parliament. Having laid in this stock of merit, he expected that all his former misdemeanors would be overlooked and forgiven; and that, instead of a tyrant and oppressor, he should be regarded as the first patriot in the nation. CHAP. LI. 1628. Third parliament.

The views of the popular leaders were much more judicious and profound. When the commons assembled, they appeared to be men of the same independent spirit with their predecessors, and possessed of such riches, that their property was computed to surpass three times that of the house of peers[p]; they were deputed by boroughs and counties, enflamed, all of them, by the late violations of liberty; many of them members themselves had been cast into prison, and had suffered by the measures of the court; yet, notwithstanding these circumstances, which might prompt them to embrace violent resolutions, they entered upon business with perfect temper and March 17.

[o] Franklyn, p. 230. [p] Sanderson, p. 106. Walker, p. 339.

decorum.

CHAP. LI. 1628.

decorum. They conſidered, that the king, diſguſted at theſe popular aſſemblies, and lately prepoſſeſſed in favour of their privileges, wanted but a fair pretence for breaking with them, and would ſeize the firſt opportunity offered by any incident, or any undutiful behaviour of the members. He fairly told them, in his firſt ſpeech, that, "if they ſhould not do their "duties, in contributing to the neceſſities of the "ſtate, he muſt, in diſcharge of his conſcience, uſe "thoſe other means which God had put into his "hands, in order to ſave that which the follies of "ſome particular men may otherwiſe put in danger. "Take not this for a threatening," added the king, "for I ſcorn to threaten any but my equals; but as "an admonition from him who, by nature and duty, "has moſt care of your preſervation and proſperi-"ty[q]." The Lord Keeper, by the king's direction, ſubjoined, "This way of parliamentary ſupplies, as "his majeſty told you, he hath choſen, not as the "only way, but as the fitteſt; not becauſe he is "deſtitute of others, but becauſe it is moſt agree-"able to the goodneſs of his own moſt gracious diſ-"poſition, and to the deſire and weal of his people. "If this be deferred, neceſſity and the ſword of the "enemy make way for the others. Remember his "majeſty's admonition, I ſay, remember it[r]." From theſe avowed maxims, the commons foreſaw, that, if the leaſt handle were afforded, the king would immediately diſſolve them, and would thenceforward deem himſelf juſtified for violating, in a manner ſtill more open, all the ancient forms of the conſtitution. No remedy could then be looked for, but from inſurrections and civil war, of which the iſſue would be extremely uncertain, and which muſt, in all events, prove calamitous to the nation. To correct the late diſorders in the adminiſtration required ſome

q Ruſhworth, vol. i. p. 477. Franklyn, p. 233.

r Ruſhworth, vol. i. p. 479. Franklyn, p. 234.

new

new laws, which would, no doubt, appear harsh to a prince so enamoured of his prerogative; and it was requisite to temper, by the decency and moderation of their debates, the rigour which must necessarily attend their determinations. Nothing can give us a higher idea of the capacity of those men who now guided the commons, and of the great authority which they had acquired, than the forming and executing of so judicious and so difficult a plan of operations. CHAP. LI. 1628.

The decency, however, which the popular leaders had prescribed to themselves, and recommended to others, hindered them not from making the loudest and most vigorous complaints against the grievances under which the nation had lately laboured. Sir Francis Seymour said, "This is the great council of the "kingdom; and here with certainty, if not here "only, his majesty may see, as in a true glass, the "state of the kingdom. We are called hither by "his writs, in order to give him faithful counsel; "such as may stand with his honour: And this we "must do without flattery. We are also sent hither "by the people, in order to deliver their just grievances: And this we must do without fear. Let us "not act like Cambyses's judges, who, when their "approbation was demanded by the prince to some "illegal measure, said, that, *Though there was a written law, the Persian kings might follow their own will "and pleasure.* This was base flattery, fitter for "our reproof than our imitation; and as fear, so "flattery, taketh away the judgment. For my part, "I shall shun both; and speak my mind with as "much duty as any man to his majesty, without neglecting the public.

"But how can we express our affections, while "we retain our fears; or speak of giving, till we "know whether we have any thing to give. For

CHAP. LI. 1628.

" if his majeſty may be perſuaded to take what he " will, what need we give?

" That this hath been done, appeareth by the bil- " leting of ſoldiers, a thing nowiſe advantageous to " the king's ſervice, and a burthen to the common- " wealth: By the impriſonment of gentlemen for re- " fuſing the loan, who, if they had done the con- " trary for fear, had been as blameable as the pro- " jectors of that oppreſſive meaſure. To counte- " nance theſe proceedings, hath it not been preach- " ed in the pulpit, or rather prated, that *All we have* " *is the king's by divine right?* But when preachers " forſake their own calling, and turn ignorant ſtateſ- " men, we ſee how willing they are to exchange a " good conſcience for a biſhopric.

" He, I muſt confeſs, is no good ſubject, who " would not, willingly and cheerfully, lay down his " life, when that ſacrifice may promote the intereſts " of his ſovereign, and the good of the common- " wealth. But he is not a good ſubject, he is a ſlave, " who will allow his goods to be taken from him a- " gainſt his will, and his liberty againſt the laws of " the kingdom. By oppoſing theſe practices, we " ſhall but tread in the ſteps of our forefathers, " who ſtill preferred the public before their private " intereſt, nay, before their very lives. It will in " us be a wrong done to ourſelves, to our poſteri- " ties, to our conſciences, if we forego this claim " and pretenſion [s]."

" I read of a cuſtom," ſaid Sir Robert Philips, " among the old Romans, that once every year " they held a ſolemn feſtival, in which their ſlaves " had liberty, without exception, to ſpeak what " they pleaſed, in order to eaſe their afflicted minds; " and on the concluſion of the feſtival, the ſlaves ſe- " verally returned to their former ſervitudes.

[s] Franklyn, p. 243. Ruſhworth, vol. i. p. 499.

" This

CHAP. LI. 1628.

"This inſtitution may, with ſome diſtinction, well "ſet forth our preſent ſtate and condition. After "the revolution of ſome time, and the grievous ſuf- "ferance of many violent oppreſſions, we have "now, at laſt, as thoſe ſlaves, obtained, for a day, "ſome liberty of ſpeech; but ſhall not, I truſt, be "hereafter ſlaves: For we are born free. Yet, "what new illegal burthens our eſtates and perſons "have groaned under, my heart yearns to think of, "my tongue faulters to utter.

"The grievances by which we are oppreſſed, I "draw under two heads; acts of power againſt "law, and the judgments of lawyers againſt our li- "berty."

Having mentioned three illegal judgments paſſed within his memory; that by which the Scots, born after James's acceſſion, were admitted to all the privileges of Engliſh ſubjects; that by which the new impoſitions had been warranted; and the late one, by which arbitrary impriſonments were authorized; he thus proceeded:

"I can live, though another, who has no right, "be put to live along with me; nay, I can live "though burthened with impoſitions beyond what "at preſent I labour under: But to have my liber- "ty, which is the ſoul of my life, raviſhed from "me; to have my perſon pent up in a jail, without "relief by law, and to be ſo adjudged——O! im- "provident anceſtors! O! unwiſe forefathers! to "be ſo curious in providing for the quiet poſſeſſion "of our lands, and the liberties of parliament; and, "at the ſame time, to neglect our perſonal liberty, "and let us lie in priſon, and that during pleaſure, "without redreſs or remedy! If this be law, why "do we talk of liberties? Why trouble ourſelves "with diſputes about a conſtitution, franchiſes, pro- "perty of goods, and the like? What may any man "call his own, if not the liberty of his perſon?

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"I am weary of trading theſe ways; and there "fore conclude to have a ſelect committee, in order "to frame a petition to his majeſty for redreſs of "theſe grievances. And this petition being read, "examined and approved, may be delivered to the "king; of whoſe gracious anſwer we have no cauſe "to doubt, our deſires being ſo reaſonable, our in- "tentions ſo loyal, and the manner ſo dutiful. Nei- "ther need we fear that this is the critical parlia- "ment, as has been inſinuated; or that this is the "way to diſtraction; but aſſure ourſelves of a hap- "py iſſue. Then ſhall the king, as he calls us his "great council, find us his true council, and own us "good council [t]."

The ſame topics were enforced by Sir Thomas Wentworth. After mentioning projectors and ill miniſters of ſtate, "Theſe," ſaid he, "have intro- "duced a privy-council, raviſhing at once the "ſpheres of all ancient government, deſtroying all "liberty, impriſoning us without bail or bond. "They have taken from us—What ſhall I ſay? In- "deed, what have they left us? By tearing up the "roots of all property, they have taken from us e- "very means of ſupplying the king, and of ingra- "tiating ourſelves by voluntary proofs of our duty "and attachment towards him.

"To the making whole all theſe breaches, I ſhall "apply myſelf, and to all theſe diſeaſes ſhall pro- "pound a remedy. By one and the ſame thing "have the king and the people been hurt, and by "the ſame muſt they be cured. We muſt vindi- "cate—What? New things? No. Our ancient, "legal, and vital liberties; by reinforcing the laws "enacted by our anceſtors; by ſetting ſuch a ſtamp "upon them, that no licentious ſpirit ſhall dare "henceforth to invade them. And ſhall we think

[t] Franklyn, p. 245. Parl. Hiſt. vol. vii. p. 363. Ruſhworth, vol. i. p. 502.

"this

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"this a way to break a parliament? No. Our de-
"sires are modest and just. I speak both for the
"interest of king and people. If we enjoy not
"these rights, it will be impossible for us to relieve
"him. Let us never, therefore, doubt of a favour-
"able reception from his goodness [u]."

These sentiments were unanimously embraced by the whole house. Even the court party pretended not to plead, in defence of the late measures, any thing but the necessity to which the king had been reduced by the obstinacy of the two former parliaments. A vote, therefore, was passed without opposition, against arbitrary imprisonments and forced loans [w]. And the spirit of liberty having obtained some contentment by this exertion, the reiterated messages of the king, who pressed for supply, were attended to with more temper. Five subsidies were voted him; with which, though much inferior to his wants, he declared himself well satisfied; and even tears of affection started in his eye, when he was informed of this concession. The duke's approbation too was mentioned by Secretary Coke; but the conjunction of a subject with the sovereign was ill received by the house [x]. Though disgusted with the king, the jealousy which they felt for his honour was more sensible than that which his unbounded confidence in the duke would allow even himself to entertain.

The supply, though voted, was not as yet passed into a law; and the commons resolved to employ the interval in providing some barriers to their rights and liberties so lately violated. They knew that their own vote, declaring the illegality of the former measures, had not of itself sufficient authority to secure

u Franklyn, p. 243. Rushworth, vol. i. p. 500.
w Franklyn, p. 251. Rushworth, vol. i. p. 513. Whitlocke, p. 9.
x Rushworth, vol. i. p. 526. Whitlocke, p. 9.

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the conſtitution againſt future invaſion. Some act to that purpoſe muſt receive the ſanction of the whole legiſlature; and they appointed a committee to prepare the model of ſo important a law. By collecting into one effort all the dangerous and oppreſſive claims of his prerogative, Charles had expoſed them to the hazard of one aſſault, and had farther, by preſenting a nearer view of the conſequences attending them, rouzed the independent genius of the commons. Forced loans, benevolences, taxes without conſent of parliament, arbitrary impriſonments, the billeting of ſoldiers, martial law; theſe were the grievances complained of, and againſt theſe an eternal remedy was to be provided. The commons pretended not, as they affirmed, to any unuſual powers or privileges. They aimed only at ſecuring thoſe which had been tranſmitted them from their anceſtors: and their law they reſolved to call a PETITION OF RIGHT, as implying that it contained a corroboration or explanation of the ancient conſtitution, not any infringement of royal prerogative, or acquiſition of new liberties.

Petition of Right.

While the committee was employed in framing the petition of right, the favourers of each party, both in parliament and throughout the nation, were engaged in diſputes about this bill, which, in all likelihood, was to form a memorable æra in the Engliſh government.

That the ſtatutes, ſaid the partizans of the commons, which ſecure Engliſh liberty, are not become obſolete, appears hence, that the Engliſh have ever been free, and have ever been governed by law and a limited conſtitution. Privileges in particular, which are founded on the Great Charter, muſt always remain in force, becauſe derived from a ſource of never-failing authority, regarded in all ages as the moſt ſacred contract between king and people. Such attention was paid to this charter by our generous anceſtors, that they got the confirmation of it reiterated thirty

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thirty ſeveral times; and even ſecured it by a rule which, though vulgarly received, ſeems in the execution impracticable. They have eſtabliſhed it as a maxim, *That even a ſtatute, which ſhould be enacted in contradiction to any article of that charter, cannot have force or validity.* But with regard to that important article which ſecures perſonal liberty, ſo far from attempting at any time, any legal infringement of it, they have corroborated it by ſix ſtatutes, and put it out of all doubt and controverſy. If in practice it has often been violated, abuſes can never come in the place of rules; nor can any rights or legal powers be derived from injury and injuſtice. But the title of the ſubject to perſonal liberty not only is founded on antient, and therefore the more ſacred laws: It is confirmed by the whole ANALOGY of the government and conſtitution. A free monarchy in which every individual is a ſlave, is a glaring contradiction; and it is requiſite, where the laws aſſign privileges to the different orders of the ſtate, that it likewiſe ſecure the independence of the members. If any difference could be made in this particular, it were better to abandon even life or property to the arbitrary will of the prince; nor would ſuch immediate danger enſue from that conceſſion, to the laws and to the privileges of the people. To bereave of his life a man not condemned by any legal trial, is ſo egregious an exerciſe of tyranny, that it muſt at once ſhock the natural humanity of princes, and convey an alarm throughout the whole commonwealth. To confiſcate a man's fortune, beſides its being a moſt atrocious act of violence, expoſes the monarch ſo much to the imputation of avarice and rapacity, that it will ſeldom be attempted in any civilized government. But confinement, though a leſs ſtriking, is no leſs ſevere a puniſhment; nor is there any ſpirit ſo erect and independent, as not to be broken by the long continuance of the ſilent and inglorious ſufferings of a jail. The power of impriſonment, there-

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fore, being the moſt natural and potent engine of arbitrary government, it is abſolutely neceſſary to remove it from a government which is free and legal.

The partiſans of the court reaſoned after a different manner. The true rule of government, ſaid they, during any period, is that to which the people, from time immemorial, have been accuſtomed, and to which they naturally pay a prompt obedience. A practice which has ever ſtruck their ſenſes, and of which they have ſeen and heard innumerable precedents, has an authority with them much ſuperior to that which attends maxims, derived from antiquated ſtatutes and mouldy records. In vain do the lawyers eſtabliſh it as a principle, that a ſtatute can never be abrogated by oppoſite cuſtom; but requires to be expreſsly repealed by a contrary ſtatute: While they pretend to inculcate an axiom peculiar to Engliſh juriſprudence, they violate the moſt eſtabliſhed principles of human nature; and even, by neceſſary conſequence, reaſon in contradiction to law itſelf, which they would repreſent as ſo ſacred and inviolable. A law, to have any authority, muſt be derived from a legiſlature which has right. And whence do all legiſlatures derive their right but from long cuſtom and eſtabliſhed practice? If a ſtatute, contrary to public good, has at any time been raſhly voted and aſſented to, either from the violence of faction, or the inexperience of ſenates and princes; it cannot be more effectually abrogated than by a train of contrary precedents, which prove, that by common conſent it has been tacitly ſet aſide, as inconvenient and impracticable. Such has been the caſe with all thoſe ſtatutes enacted during turbulent times, in order to limit royal prerogative, and cramp the ſovereign in his protection of the public, and his execution of the laws. But above all branches of prerogative, that which is moſt neceſſary to be preſerved,

ved, is the power of impriſonment. Factin and diſ- CHAP. LI.
content, like diſeaſes, frequently ariſe in every politi- 1628.
cal body; and during theſe diſorders, it is by the ſa-
lutary exerciſe alone of this diſcretionary power,
that rebellions and civil wars can be prevented. To
circumſcribe this power, is to deſtroy its nature: En-
tirely to abrogate it, is impracticable; and the at-
tempt itſelf muſt prove dangerous, if not pernicious
to the public. The ſupreme magiſtrate, in critical
and turbulent times, will never, agreeably either to
prudence or duty, allow the ſtate to periſh, while
there remains a remedy which, how irregular ſoever,
it is ſtill in his power to apply. And if, moved by
a regard to public good, he employs any exerciſe of
power condemned by recent and expreſs ſtatute, how
greedily, in ſuch dangerous times, will factious lead-
ers ſeize this pretence of throwing on his govern-
ment the imputation of tyranny and deſpotiſm? Were
the alternative quite neceſſary, it were ſurely much
better for human ſociety to be deprived of liberty
than to be deſtitute of government.

Impartial reaſoners will confeſs, that this ſubject is
not, on both ſides, without its difficulties. Where a
general and rigid law is enacted againſt arbitrary im-
priſonment, it would appear, that government can-
not, in times of ſedition and faction, be conducted
but by temporary ſuſpenſions of the law; and ſuch
an expedient was never thought of during the age
of Charles. The meetings of parliament were too
precarious, and their determinations might be too di-
latory, to ſerve in caſes of urgent neceſſity. Nor was
it then conceived, that the king did not poſſeſs of
himſelf ſufficient power for the ſecurity and pro-
tection of his people, or that the authority of theſe
popular aſſemblies was ever to become ſo abſo-
lute, that the prince muſt always conform himſelf to
it, and could never have any occaſion to guard againſt
their

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their practices, as well as againſt thoſe of his other ſubjects.

Though the houſe of lords was not inſenſible to the reaſons urged in favour of the pretenſions of the commons, they deemed the arguments pleaded in favour of the crown, ſtill more cogent and convincing. That aſſembly ſeems, during this whole period, to have acted, in the main, a reaſonable and a moderate part; and if their bias inclined a little too much, as is natural, to the ſide of monarchy, they were far from entertaining any deſign of ſacrificing to arbitrary will the liberties and privileges of the nation. Aſhley, the king's ſerjeant, having aſſerted, in a pleading before the peers, that the king muſt ſometimes govern by acts of ſtate as well as by law; this poſition gave ſuch offence, that he was immediately committed to priſon, and was not releaſed but upon his recantation and ſubmiſſion [y]. Being, however, afraid leſt the commons ſhould go too far in their projected petition, the peers propoſed a plan of one more moderate, which they recommended to the conſideration of the other houſe. It conſiſted merely in a general declaration, that the great charter and the ſix ſtatutes, conceived to be explanations of it, ſtand ſtill in force, to all intents and purpoſes; that, in conſequence of the charter and the ſtatutes, and by the tenor of the ancient cuſtoms and laws of the realm, every ſubject has a fundamental property in his goods, and a fundamental liberty of his perſon; that this property and liberty are as entire at preſent as during any former period of the Engliſh government; that in all common caſes, the common law ought to be the ſtandard of proceedings:— "And in caſe, that, for the ſecurity of his majeſty's "perſon, the general ſafety of his people, or the "peacable government of the kingdom, the king "ſhall find juſt cauſe, for reaſons of ſtate, to impri-

[y] Whitlocke, p. 10.

"ſon

" ſon or reſtrain any man's perſon, he was petition- CHAP. LI.
" ed graciouſly to declare, that, within a *convenient* 1628.
" time, he ſhall and will expreſs the cauſe of the
" commitment or reſtraint, either general or ſpecial,
" and upon a cauſe ſo expreſſed, will leave the pri-
" ſoner immediately to be tried according to the
" common law of the land [z]."

Archbiſhop Abbot was employed by the lords to recommend, in a conference, this plan of a petition to the houſe of commons. The prelate, as was no doubt foreſeen from his known principles, was not extremely urgent in his applications; and the lower houſe was fully convinced, that the general declarations ſignified nothing, and that the latter clauſe left their liberties rather in a worſe condition than before. They proceeded, therefore, with great zeal, in framing the model of a petition, which ſhould contain expreſſions more preciſe, and more favourable to public freedom.

The king could eaſily ſee the conſequence of theſe proceedings. Though he had offered at the beginning of the ſeſſion to give his conſent to any law for the ſecurity of the rights and liberties of the people, he had not expected that ſuch inroads would be made on his prerogative. In order, therefore, to divert the commons from their intention, he ſent a meſſage, wherein he acknowledged paſt errors, and promiſed, that, hereafter, there ſhould be no juſt cauſe of complaint. And he added, " That the af-
" fairs of the kingdom preſs him ſo, that he could
" not continue the ſeſſion above a week or two long-
" er: And if the houſe be not ready by that time
" to do what is fit for themſelves, it ſhall be their
" own fault [a]." On a ſubſequent occaſion, he aſked them, " Why demand explanations, if you doubt

[z] State Trials, vol. vii. p. 187. Ruſhworth, vol. i. p. 546.

[a] State Trials, vol. vii. p. 193.

" not

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"not the performance of the ſtatutes, according to "their true meaning? Explanations will hazard an "encroachment upon the prerogative. And it may "well be ſaid, What need a new law to confirm an "old, if you repoſe confidence in the declarations "which his majeſty made to both houſes[b]?" The truth is, the great charter and the old ſtatutes were ſufficiently clear in favour of perſonal liberty: But as all kings of England had ever, in caſes of neceſſity or expediency, been accuſtomed, at intervals, to elude them; and as Charles, in a complication of inſtances, had lately violated them, the commons judged it requiſite to enact a new law, which might not be eluded or violated, by any interpretation, conſtruction, or contrary precedent. Nor was it ſufficient, they thought, that the king promiſed to return into the way of his predeceſſors. His predeceſſors, in all times, had enjoyed too much diſcretionary power; and by his recent abuſe of it, the whole world had reaſon to ſee the neceſſity of entirely retrenching it.

The king ſtill perſevered in his endeavours to elude the petition. He ſent a letter to the houſe of lords, in which he went ſo far as to make a particular declaration, "That neither he nor his privy-"council ſhall or will, at any time hereafter, com-"mit or command to priſon, or otherwiſe reſtrain, "any man for not lending money, or for any other "cauſe which, in his conſcience, he thought not "to concern the public good, and the ſafety of king "and people." And he farther declared, "That "he never would be guilty of ſo baſe an action as "to pretend any cauſe, of whoſe truth he was not "fully ſatisfied[c]." But this promiſe, though enforced to the commons by the recommendation of the upper houſe, made no more impreſſion than all the former meſſages.

b State Trials, vol. vii. p. 196. Ruſhworth, vol. i. p. 556.

c State Trials, vol. vii. p. 198. Ruſhworth, vol. i. p. 560. Parl. Hiſt. vol. viii. p. 111.

Among

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Among the other evaſions of the king, we may reckon the propoſal of the houſe of peers, to ſubjoin, to the intended petition of right, the following clauſe: "We humbly preſent this petition to your "majeſty, not only with a care of preſerving our "own liberties, but with due regard to leave entire "that *ſovereign power* with which your majeſty is "entruſted for the protection, ſafety, and happineſs "of your people[d]." Leſs penetration than was poſſeſſed by the leaders of the houſe of commons could eaſily diſcover how captious this clauſe was, and how much it was calculated to elude the whole force of the petition.

Theſe obſtacles, therefore, being ſurmounted, the petition of right paſſed the commons, and was ſent to the upper houſe[e]. The peers, who were probably well pleaſed in ſecret, that all their ſolicitations had been eluded by the commons, quickly paſſed the petition without any material alteration; and nothing but the royal aſſent was wanting to give it the force of a law. The king accordingly came to the houſe of peers; ſent for the commons; and, being ſeated in his chair of ſtate, the petition was read to him. Great was now the aſtoniſhment of all men, when, inſtead of the uſual conciſe and clear form by which a bill is either confirmed or rejected, Charles ſaid, in anſwer to the petition, "The king willeth, that "right be done according to the laws and cuſtoms of "the realm, and that the ſtatutes be put into exe-"cution; that his ſubjects may have nó cauſe to "complain of any wrong or oppreſſion, contrary to "their juſt rights and liberties, to the preſervation "whereof he holds himſelf in conſcience as much o-"bliged as of his own prerogative[f]."

d State Trials, vol. vii. p. 199. Ruſhworth, vol. i. p. 561. Parl. Hiſt. vol. viii. p. 116. Whitlocke, p. 10.

e See note [U] at the end of the volume.

f State Trials, vol. vii. p. 212. Ruſhworth, vol. i. p. 590.

It

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It is ſurpriſing, that Charles, who had ſeen ſo many inſtances of the jealouſy of the commons, who had himſelf ſo much rouſed that jealouſy by his frequent evaſive meſſages during this ſeſſion, could imagine that they would reſt ſatisfied with an anſwer ſo vague and undeterminate. It was evident, that the unuſual form alone of the anſwer muſt excite their attention; that the diſappointment muſt inflame their anger; and that therefore it was neceſſary, as the petition ſeemed to bear hard on royal prerogative, to come early to ſome fixed reſolution, either gracefully to comply with it, or courageouſly to reject it.

It happened as might have been foreſeen. The commons returned in very ill humour. Uſually, when in that diſpoſition, their zeal for religion, and their enmity againſt the unfortunate Catholics, ran extremely high. But they had already, in the beginning of the ſeſſion, preſented their petition of religion, and had received a ſatisfactory anſwer; though they expected, that the execution of the laws againſt Papiſts would, for the future, be no more exact and rigid, than they had hitherto found it. To give vent to their preſent indignation, they fell with their utmoſt force on Dr Manwaring.

There is nothing, which tends more to excuſe, if not to juſtify, the extreme rigour of the commons towards Charles, than his open encouragement and avowal of ſuch general principles as were altogether incompatible with a limited government. Manwaring had preached a ſermon, which the commons found, upon enquiry, to be printed by ſpecial command of the king[g]; and, when this ſermon was looked into, it contained doctrines ſubverſive of all civil liberty. It taught, that, though property was commonly lodged in the ſubject, yet, whenever any exigency

[g] Parl. Hiſt. vol. viii. p. 206.

required

required supply, all property was transferred to the sovereign; that the consent of parliament was not necessary for the imposition of taxes; and that the divine laws required compliance with every demand, how irregular soever, which the prince should make upon his subjects[h]. For these doctrines the commons impeached Manwaring. The sentence pronounced upon him by the peers was, that he should be imprisoned during the pleasure of the house, be fined a thousand pounds to the king, make submission and acknowledgment for his offence, be suspended during three years, be incapable of holding any ecclesiastical dignity or secular office, and that his book be called in and burnt[i]. CHAP. LI. 1628.

It may be worthy of notice, that no sooner was the session ended, than this man, so justly obnoxious to both houses, received a pardon, and was promoted to a living of considerable value[k]. Some years after, he was raised to the see of St Asaph. If the republican spirit of the commons encreased beyond all reasonable bounds the monarchial spirit of the court, this latter, carried to so high a pitch, tended still farther to augment the former. And thus extremes were every where effected, and the just medium was gradually deserted by all men.

From Manwaring, the house of commons proceeded to censure the conduct of Buckingham, whose name hitherto they had cautiously forborn to mention[l]. In vain did the king send them a message, in which he told them, that the session was drawing near to a conclusion; and desired, that they would not enter upon new business, nor cast any aspersions upon his government and ministry[m]. Though the court endeavoured to explain and soften this message

h Rushworth, vol. i. p. 585. 594. Parl. Hist. vol. viii. p. 168, 169, 170. &c. Welwood, p. 44.

i Rushworth, vol. i. p. 65. Parl. Hist. vol. viii. p. 212.

k Rushworth, vol. i. p. 635. Whitelocke, p. 11.

l Rushworth, vol. i. p. 607.

m Ibid. vol. i. p. 605.

by

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by a ſubſequent meſſage[n]; as Charles was apt haſtily to correct any haſty ſtep which he had taken, it ſerved rather to inflame than appeaſe the commons; as if the method of their proceedings had here been preſcribed to them. It was foreſeen, that a great tempeſt was ready to burſt on the duke; and, in order to divert it, the king thought proper, upon a joint application of the lords and commons[o], to endeavour giving them ſatisfaction with regard to the petition of right. He came, therefore, to the houſe of peers, and pronouncing the uſual form of words, *Let it be law as deſired*, gave full ſanction and authority to the petion. The acclamations with which the houſe reſounded, and the univerſal joy diffuſed over the nation, ſhowed how much this petition had been the object of all men's vows and expectations[p].

It may be affirmed, without exaggeration, that the king's aſſent to the petition of right produced ſuch a change in the government, as was almoſt equivalent to a revolution; and by circumſcribing, in ſo many articles, the royal prerogative, gave additional ſecurity to the liberties of the ſubject. Yet were the commons far from being ſatisfied with this important conceſſion. Their ill humour had been ſo much irritated by the king's frequent evaſions and delays, that it could not be preſently appeaſed by an aſſent, which he allowed to be ſo reluctantly extorted from him. Perhaps, too, the popular leaders, implacable and artful, ſaw the opportunity favourable; and turning againſt the king thoſe very weapons with which he had furniſhed them, reſolved to purſue the victory. The bill, however, for five ſubſidies, which had been formerly voted, immedi-

n Ibid. vol. i. p. 610. Parl. Hiſt. vol. v. iii. p. 197.
o Ruſhworth, vol. i. p. 613. Journ. 7th June 1628. Parl. Hiſt. vol. viii. p. 201.
p Ruſhworth, vol. i. p. 613.

ately

duly paſſed the houſe; becauſe the granting of that ſupply was in a manner tacitly contracted for, upon the royal aſſent to the petition; and had faith been here violated, no farther confidence could have ſubſiſted between king and parliament. Having made this conceſſion, the commons continued to carry their ſcrutiny into every part of government. In ſome particulars, their induſtry was laudable; in ſome, it may be liable to cenſure.

A little after writs were iſſued for ſummoning this parliament, a commiſſion had been granted to Sir Thomas Coventry, lord-keeper, the earl of Marlborough, treaſurer, the earl of Mancheſter, preſident of the council, the earl of Worceſter, privy-ſeal, the duke of Buckingham, high-admiral, and all the conſiderable officers of the crown, in the whole thirty-three. By this commiſſion, which, from the number of perſons named in it, could be no ſecret, the commiſſioners were empowered to meet, and to concert among themſelves the method of levying money by impoſitions, or otherwiſe; *Where form and circumſtance*, as expreſſed in the commiſſion, *muſt be diſpenſed with, rather than the ſubſtance be loſt or hazarded* [p]. In other words, this was a ſcheme for finding expedients which might raiſe the prerogative to the greateſt height, and render parliaments entirely uſeleſs. The commons applied for cancelling the commiſſion [q]; and were, no doubt, deſirous that all the world ſhould conclude the king's principles to be extremely arbitrary, and ſhould obſerve what little regard he was diſpoſed to pay to the liberties and privileges of his people.

A commiſſion had likewiſe been granted, and ſome money remitted, in order to raiſe a thouſand German horſe, and tranſport them into England. Theſe were

p Ruſhworth, vol. i. p. 614. Parl. Hiſt. vol. viii. p. 214.
q Journ. 13 June 1628.

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ſuppoſed to be levied, in order to ſupport the projected impoſitions or exciſes; though the number ſeems inſufficient for ſuch a purpoſe[r]. The houſe took notice of this deſign in ſevere terms: And no meaſure, ſurely, could be projected more generally odious to the whole nation. It muſt, however, be confeſſed, that the king was ſo far right, that he had now, at laſt, fallen on the only effectual method for ſupporting his prerogative. But, at the ſame time, he ſhould have been ſenſible, that, till provided with a ſufficient military force, all his attempts, in oppoſition to the riſing ſpirit of the nation, muſt in the end prove wholly fruitleſs; and that the higher he ſcrewed up the ſprings of government, while he had ſo little real power to retain them in that forced ſituation, with more fatal violence muſt they fly out, when any accident occurred to reſtore them to their natural action.

The commons next reſumed their cenſure of Buckingham's conduct and behaviour, againſt whom they were implacable. They agreed to preſent a remonſtrance to the king, in which they recapitulated all national grievances and misfortunes, and omitted no circumſtance which could render the whole adminiſtration deſpicable and odious. The compoſitions with Catholics, they ſaid, amounted to no leſs than a toleration, hateful to God, full of diſhonour and diſprofit to his majeſty, and of extreme ſcandal and grief to his good people: They took notice of the violations of liberty above mentioned, againſt which the petition of right ſeems to have provided a ſufficient remedy: They mentioned the decay of trade, the unſucceſsful expeditions to Cadiz and the Iſle of Rhé, the encouragement given to Arminians, the commiſſion for tranſporting German horſe, that for levying illegal impoſitions; and all theſe grievances

[r] Ruſhworth, vol. i. p. 612.

they

they aſcribed ſolely to the ill conduct of the duke of Buckingham [s]. This remonſtrance was, perhaps, not the leſs provoking to Charles, becauſe, joined to the extreme acrimony of the ſubject, there were preſerved in it, as in moſt of the remonſtrances of that age, an affected civility and ſubmiſſion in the language. And, as it was the firſt return which he met with for his late beneficial conceſſions and for his ſacrifices of prerogative, the greateſt by far ever made by an Engliſh ſovereign, nothing could be more the object of juſt and natural indignation. CHAP. LI. 1628.

It was not without good grounds that the commons were ſo fierce and aſſuming. Though they had already granted the king the ſupply of five ſubſidies, they ſtill retained a pledge in their hands, which they thought inſured them ſucceſs in all their applications. Tonnage and poundage had not yet been granted by parliament; and the commons had artfully, this ſeſſion, concealed their intention of invading that branch of revenue, till the royal aſſent had been obtained to the petition of right, which they juſtly deemed of ſuch importance. They then openly aſſerted, that the levying of tonnage and poundage, without conſent of parliament, was a palpable violation of the ancient liberties of the people, and an open infringement of the petition of right, ſo lately granted [t]. The king, in order to prevent the finiſhing and preſenting this remonſtrance, came ſuddenly to the parliament, and ended this ſeſſion by a prorogation [u]. Prorogation 26th June.

Being freed, for ſome time, from the embarraſſment of this aſſembly, Charles began to look towards foreign wars, where all his efforts were equally unſucceſsful as in his domeſtic government. The earl of Denbigh, brother-in-law to Buckingham,

s Ruſh. vol. i. p. 619. Parl. Hiſt. vol. viii. 219, 220, &c.
t Ruſh. vol. i. p. 628. Journ. 18, 20 June, 1628.
u Journ. 26 June 1628.

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was dispatched to the relief of Rochelle, now closely besieged by land, and threatened with a blockade by sea: But he returned without effecting any thing; and, having declined to attack the enemy's fleet, he brought on the English arms the imputation either of cowardice or ill conduct. In order to repair this dishonour, the duke went to Portsmouth; where he had prepared a considerable fleet and army, on which all the subsidies given by parliament had been expended. This supply had very much disappointed the king's expectations. The same mutinous spirit which prevailed in the house of commons had diffused itself over the nation; and the commissioners appointed for making the assessments had connived at all frauds which might diminish the supply, and reduce the crown to still greater necessities. This national discontent, communicated to a desperate enthusiast, soon broke out in an event which may be considered as remarkable.

There was one Felton, of a good family, but of an ardent melancholic temper, who had served under the duke in the station of lieutenant. His captain being killed in the retreat at the isle of Rhé, Felton had applied for the company; and when disappointed, he threw up his commission, and retired in discontent from the army. While private resentment was boiling in his sullen unsociable mind, he heard the nation resound with complaints against the duke, and he met with the remonstrance of the commons, in which his enemy was represented as the cause of every national grievance, and as the great enemy of the public. Religious fanaticism farther inflamed these vindictive reflections; and he fancied that he should do heaven acceptable service, if, at one blow, he dispatched this dangerous foe to religion and to his country [w]. Full of these dark views, he secretly arrived at Portsmouth, at the same time with

w May's Hist. of the Parliament, p. 10.

the

the duke, and watched for an opportunity of effecting his bloody purpose. CHAP. LI.

Buckingham had been engaged in converſation with Soubize and other French gentlemen; and a difference of ſentiment having ariſen, the diſpute, though conducted with temper and decency, had produced ſome of thoſe vehement geſticulations and lively exertions of voice, in which that nation, more than the Engliſh, are apt to indulge themſelves. The converſation being finiſhed, the duke drew towards the door; and in that paſſage, turning himſelf to ſpeak to Sir Thomas Fryar, a colonel in the army, he was, on the ſudden, over Sir Thomas's ſhoulder, ſtruck upon the breaſt with a knife. Without uttering other words than *The villain has killed me*, in the ſame moment, pulling out the knife, he breathed his laſt. 1628. 23d Auguſt. Death of Buckingham.

No man had ſeen the blow, nor the perſon who gave it; but in the confuſion, every one made his own conjecture; and all agreed that the murder had been committed by the French gentlemen, whoſe angry tone of voice had been heard, while their words had not been underſtood by the byſtanders. In the hurry of revenge, they had inſtantly been put to death, had they not been ſaved by ſome of more temper and judgment, who, though they had the ſame opinion of their guilt, thought proper to reſerve them for a judicial trial and examination.

Near the door there was found a hat, in the inſide of which was ſewed a paper, containing four or five lines of that remonſtrance of the compons, which declared Buckingham an enemy to the kingdom; and, under theſe lines was a ſhort ejaculation, or attempt towards a prayer. It was eaſily concluded that this hat belonged to the aſſaſſin: But the difficulty ſtill remained *Who that perſon ſhould be?* For the writing diſcovered not the name; and whoever

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he was, it was natural to believe that he had already fled far enough not to be found without a hat.

In this hurry, a man without a hat was seen walking very composedly before the door. One crying out, *Here is the fellow who killed the duke*, every body ran to ask, *Which is he?* The man very sedately answered *I am he*. The more furious immediately rushed upon him with drawn swords: others, more deliberate, defended and protected him. He himself, with open arms, calmly and cheerfully exposed his breast to the swords of the most enraged; being willing to fall a sudden sacrifice to their anger, rather than be reserved for that public justice which he knew must be executed upon him.

He was now known to be that Felton who had served in the army. Being carried into a private room, it was thought proper so far to dissemble as to tell him, that Buckingham was only grievously wounded, but not without hopes of recovery. Felton smiled and told them, that the duke, he knew full well, had received a blow which had terminated all their hopes. When asked, at whose instigation he had performed that horrid deed? he replied, That they needed not to trouble themselves in that enquiry; that no man living had credit enough with him to have disposed him to such an action; that he had not even entrusted his purpose to any one; that the resolution proceeded only from himself and the impulse of his own conscience; and that his motives would appear if his hat were found: For that, believing he should perish in the attempt, he had there taken care to explain them [x].

When the king was informed of this assassination, he received the news in public with an unmoved and undisturbed countenance; and the courtiers, who stu-

x Clarendon, vol. i. p. 27, 28.

died

died his looks, concluded, that ſecretly he was not diſpleaſed to be rid of a miniſter ſo generally odious to the nation[y]. But Charles's command of himſelf proceeded entirely from the gravity and compoſure of his temper. He was ſtill as much as ever attached to his favourite; and, during his whole life, he retained an affection for Buckingham's friends, and a prejudice againſt his enemies. He urged, too, that Felton ſhould be put to the queſtion, in order to extort from him a diſcovery of his accomplices: But the judges declared, that though that practice had formerly been very uſual, it was altogether illegal. So much more exact reaſoners, with regard to law, had they become, from the jealous ſcruples of the houſe of commons. CHAP. LI. 1628.

Meanwhile the diſtreſs of Rochelle had riſen to the utmoſt extremity. That vaſt genius of Richlieu, which made him form the greateſt enterprizes, led him to attempt their execution by means equally great and extraordinary. In order to deprive Rochelle of all ſuccour, he had dared to project the throwing acroſs the harbour a mole of a mile's extent in that boiſterous ocean; and having executed his project, he now held the town cloſely blockaded on all ſides. The inhabitants, though preſſed with the greateſt rigours of famine, ſtill refuſed to ſubmit; being ſupported, partly by the lectures of their zealous preachers, partly by the daily hopes of relief from England. After Buckingham's death, the command of the fleet and army was conferred on the earl of Lindeſey; who, arriving before Rochelle, made ſome attempts to break through the mole, and force his way into the harbour: But by the delays of the Engliſh, that work was now fully finiſhed and fortified; and the Rochellers, finding their laſt hopes to fail them, were reduced to ſurrender at diſcretion, October 18. even in ſight of the Engliſh admiral. Of fifteen thou-

[y] Warwick, p. 34.

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sand persons, shut up in the city, four thousand alone survived the fatigues and famine which they had undergone [z].

This was the first necessary step towards the prosperity of France. Foreign enemies, as well as domestic factions, being deprived of this resource, that kingdom began now to shine forth in its full splendour. By a steady prosecution of wise plans, both of war and policy, it gradually gained an ascendant over the rival power of Spain; and every order of the state, and every sect, were reduced to pay submission to the lawful authority of the sovereign. The victory, however, over the Hugonots was, at first, pushed by the French king with great moderation. A toleration was still continued to them; the only avowed and open toleration which, at that time, was granted in any European kingdom.

1629. The failure of an enterprize, in which the English nation, from religious sympathy so much interested themselves, could not but diminish the king's authority in the parliament during the approaching session; But the commons, when assembled, found many other causes of complaint. Buckingham's conduct and character, with some had afforded a reason, with others a pretence for discontent against public measures: But after his death, there wanted not new reasons and new pretences for general dissatisfaction. Manwaring's pardon and promotion were taken notice of: Sibthorpe and Cosins, two clergymen, who, for like reasons, were no less obnoxious to the commons, had met with like favour from the king: Montague, who had been censured for moderation towards the Catholics, the greatest of crimes, had been created bishop of Chichester. They found likewise, upon enquiry, that all the copies of the peti-

Jan. 20. New session of parliament.

[z] Rush. vol. i. p. 636.

tion

tion of right which were diſperſed, had, by the king's orders, annexed to them the firſt anſwer, which had given ſo little ſatisfaction to the commons [a]: An expedient by which Charles endeavoured to perſuade the people that he had nowiſe receded from his former claims and pretenſions, particularly with regard to the levying of tonnage and poundage. Selden alſo complained in the houſe, that one Savage, contrary to the petition of right, had been puniſhed with the loſs of his ears, by a diſcretionary or arbitrary ſentence of the ſtar chamber [b]. So apt were they, on their part, to ſtretch the petition into ſuch conſequences as might deprive the crown of powers which, from immemorial cuſtom, were ſuppoſed inherent to it. CHAP. LI. 1629.

Tonnage and poundage.

But the great article on which the houſe of commons broke with the king, and which finally created in Charles a diſguſt to all parliaments, was their claim with regard to tonnage and poundage. On this occaſion, therefore, it is neceſſary to give an account of the controverſy.

The duty of tonnage and poundage, in more ancient times, had been commonly a temporary grant of parliament; but it had been conferred on Henry V. and all the ſucceeding princes, during life, in order to enable them to maintain a naval force for the defence of the kingdom. The neceſſity of levying this duty had been ſo apparent, that each king had ever claimed it from the moment of his acceſſion; and the firſt parliament of each reign had uſually, by vote, conferred on the prince what they found him already in poſſeſſion of. Agreeably to the inaccurate genius of the old conſtitution, this abuſe, however conſiderable, had never been perceived nor remedied; though nothing could have been eaſier than for the parliament to have prevented it [c]. But granting this

a State Trials, vol. vii. p. 216. Ruſh. vol. i. p. 643.

b. State Trials, vol. vii. p. 216. Parl. Hiſt. vol. viii. p. 246

c Parl. Hiſt. vol. viii. p. 339, 340

duty

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duty to each prince, during his own life, and for a year after his demiſe, to the ſucceſſor, all inconveniencies had been obviated; and yet the duty had never, for a moment, been levied without proper authority. But contrivances of that nature were not thought of during thoſe rude ages: And as ſo complicated and jealous a government as the Engliſh cannot ſubſiſt without many ſuch refinements, it is eaſy to ſee how favourably every inaccuracy muſt formerly have proved to royal authority, which, on all emergencies, was obliged to ſupply, by diſcretionary power, the great deficiency of the laws.

The parliament did not grant the duty of tonnage and poundage to Henry VIII. till the ſixth of his reign: Yet this prince, who had not then raiſed his power to its greateſt height, continued, during that whole time, to levy the impoſition: The parliament, in their very grant, blame the merchants who had neglected to make payment to the crown; and though one expreſſion of that bill may ſeem ambiguous, they employ the plaineſt terms in calling tonnage and poundage the king's due, even before that duty was conferred on him by parliamentary authority[d]. Four reigns, and above a whole century had ſince elapſed; and this revenue had ſtill been levied before it was voted by parliament. So long had the inaccuracy continued, without being remarked or corrected.

During that ſhort interval which paſſed between Charles's acceſſion and his firſt parliament, he had followed the example of his predeceſſors; and no fault was found with his conduct in this particular. But what was moſt remarkable in the proceedings of that houſe of commons, and what proved beyond controverſy, that they had ſeriouſly formed a plan for reducing their prince to ſubjection, was, that in-

[d] 6. Henry VIII. cap. 14.

ſtead

ſtead of granting this ſupply during the king's life-time, as it had been enjoyed by all his immediate predeceſſors, they voted it only for a year; and, after that ſhould be elapſed, reſerved to themſelves the power of renewing or refuſing the ſame conceſſion[e]. But the houſe of peers, who ſaw that this duty was now become more neceſſary than ever to ſupply the growing neceſſities of the crown, and who did not approve of this encroaching ſpirit in the commons, rejected the bill; and the diſſolution of that parliament followed ſo ſoon after, that no attempt ſeems to have been made for obtaining tonnage and poundage in any other form[f]. CHAP. LI. 1629.

Charles, meanwhile, continued ſtill to levy this duty by his own authority; and the nation was ſo accuſtomed to that exertion of royal power, that no ſcruple was at firſt entertained of ſubmitting to it. But the ſucceeding parliament excited doubts in every one. The commons took there ſome ſteps towards declaring it illegal to levy tonnage and poundage without conſent of parliament; and they openly ſhowed their intention of employing this engine, in order to extort from the crown conceſſions of the moſt important nature. But Charles was not yet ſufficiently tamed to compliance; and the abrupt diſſolution of that parliament, as above related, put an end, for the time, to their farther pretenſions.

The following interval, between the ſecond and third parliament, was diſtinguiſhed by ſo many exertions of prerogative, that men had little leiſure to attend to the affair of tonnage and poundage, where the abuſe of power in the crown might ſeem to be of a more diſputable nature. But after the commons, during the precedent ſeſſion, had remedied all theſe grievances by means of their petition of right, which they deemed ſo neceſſary, they afterwards proceeded to take the matter into conſideration, and they

[e] Journ. 5th July 1625.

[f] See note [X] at the end of the volume.

ſhowed

CHAP. LI. 1629.

ſhowed the ſame intention as formerly, of exacting, in return for the grant of this revenue, very large compliances on the part of the crown. Their ſudden prorogation prevented them from bringing their pretenſions to a full concluſion.

When Charles opened this ſeſſion, he had foreſeen, that the ſame controverſy would ariſe; and he, therefore, took care, very early, among many mild and reconciling expreſſions, to inform the commons, "That he had not taken theſe duties as appertaining to his hereditary prerogative; but that it ever was, and ſtill is, his meaning to enjoy them as a gift of his people: And that, if he had hitherto levied tonnage and poundage, he pretended to juſtify himſelf only by the neceſſity of ſo doing, not by any right which he aſſumed [g]." This conceſſion, which probably aroſe from the king's moderate temper, now freed from the impulſe of Buckingham's violent counſels, might have ſatisfied the commons, had they entertained no other view than that of aſcertaining their own powers and privileges. But they carried their pretenſions much higher. They inſiſted, as a neceſſary preliminary, that the king ſhould once entirely deſiſt from levying theſe duties; after which, they were to take it into conſideration how far they would reſtore him to the poſſeſſion of a revenue of which he had clearly diveſted himſelf. But, beſides that this extreme rigour had never been exerciſed towards any of his preceſſors, and many obvious inconveniences muſt follow from the intermiſſion of the cuſtoms, there were other reaſons which deterred Charles from complying with ſo hard a condition. It was probable, that the commons might renew their former project of making this revenue only temporary, and thereby reducing their prince to perpetual dependence, they certainly would cut off the new impoſitions which Mary and Eliza-

[g] Ruſhworth, vol. i. p. 644. Parl. Hiſt. vol. viii. p. 256, 346.

beth,

beth, but especially James, had levied, and which formed no despicable part of the public revenue; and they openly declared, that they had, at present, many important pretensions, chiefly with regard to religion; and if compliance were refused, no supply must be expected from the commons. CHAP. LI. 1629.

It is easy to see in what an inextricable labyrinth Charles was now involved. By his own concessions, by the general principles of the English government, and by the form of every bill which had granted this duty, tonnage and poundage was derived entirely from the free gift of the people; and, consequently, might be withdrawn at their pleasure. If unreasonable in their refusal, they still refused nothing but what was their own. If public necessity required this supply, it might be thought also to require the king's compliance with those conditions, which were the price of obtaining it. Though the motive for granting it had been the enabling of the king to guard the seas; it did not follow, that because he guarded the seas, he was therefore entitled to this revenue without farther formality: Since the people had still reserved to themselves the right of judging how far that service merited such a supply. But Charles, notwithstanding his public declaration, was far from assenting to this conclusion in its full extent. The plain consequence, he saw, of all these rigours, and refinements, and inferences, was, that he, without any public necessity, and without any fault of his own, must, of a sudden, even from his accession, become a magistrate of a very different nature from any of his predecessors, and must fall into a total dependence on subjects over whom former kings, especially those immediately preceding, had exercised an authority almost unlimited. Entangled in a chain of consequences, which he could not easily break, he was inclined to go higher, and rather deny the first principle, than admit of conclusions which to him appeared

CHAP. LI. 1629.

appeared ſo abſurd and unreaſonable. Agreeably to the ideas hitherto entertained both by natives and foreigners, the monarch he eſteemed the eſſence and ſoul of the Engliſh government; and whatever other power pretended to annihilate or even abridge the royal authority, muſt neceſſarily, he thought, either in its nature or exerciſe, be deemed no better than an uſurpation. Willing to preſerve the ancient harmony of the conſtitution, he had ever intended to comply, as far as he *eaſily* could, with the ancient forms of adminiſtration: But when theſe forms appeared to him, by the inveterate obſtinacy of the commons, to have no other tendency than to diſturb that harmony, and to introduce a new conſtitution, he concluded, that, in this violent ſituation, what was ſubordinate muſt neceſſarily yield to what was principal, and the privileges of the people, for a time, give place to royal prerogative. From the rank of a monarch, to be degraded into a ſlave of his inſolent ungrateful ſubjects, ſeemed, of all indignities, the greateſt; and nothing, in his judgment, could exceed the humiliation attending ſuch a ſtate, but the meanneſs of tamely ſubmitting to it, without making ſome efforts to preſerve the authority tranſmitted to him by his predeceſſors.

Though theſe were the king's reflections and reſolutions before the parliament aſſembled, he did not immediately break with them, upon their delay in voting him this ſupply. He thought that he could better juſtify any ſtrong meaſure which he might afterwards be obliged to take, if he allowed them to carry to the utmoſt extremities their attacks upon his government and prerogative[h]. He contented himſelf, for the preſent, with ſoliciting the houſe by meſſages and ſpeeches. But the commons, inſtead of hearkening to his ſolicitations, proceeded to carry their ſcrutiny into his management of religion[i], which

h Ruſh. vol. i. p. 642. i Idem, ibid. p. 651. Whitlocke, p. 12.

was

was the only grievance to which, in their opinion, they had not as yet, by their petition of right, applied a ſufficient remedy.

CHAP. LI. 1629.

It was not poſſible that this century, ſo fertile in religious ſects and diſputes, could eſcape the controverſy concerning fataliſm and free-will, which, being ſtrongly interwoven both with philoſophy and theology, had, in all ages, thrown every ſchool and every church into ſuch inextricable doubt and perplexity. The firſt reformers in England, as in other European countries, had embraced the moſt rigid tenets of predeſtination and abſolute decrees, and had compoſed upon that ſyſtem, all the articles of their religious creed. But theſe principles having met with oppoſition from Arminius and his ſectaries, the controverſy was ſoon brought into this iſland, and began here to diffuſe itſelf. The Arminians finding more encouragement from the ſuperſtitious ſpirit of the church than from the fanaticiſm of the puritans, gradually incorporated themſelves with the former; and ſome of that ſect, by the indulgence of James and Charles, had attained the higheſt preferments in the hierarchy. But their ſucceſs with the public had not been altogether anſwerable to that which they met with in the church and the court. Throughout the nation they ſtill lay under the reproach of innovation and hereſy. The commons now levelled againſt them their formidable cenſures, and made them the objects of daily invective and declamation. Their protectors were ſtigmatized; their tenets canvaſſed; their views repreſented as dangerous and pernicious. To impartial ſpectators ſurely, if any ſuch had been at that time in England, it muſt have given great entertainment to ſee a popular aſſembly, enflamed with faction and enthuſiaſm, pretend to diſcuſs queſtions to which the greateſt philoſophers, in the tranquillity of retreat, had never hitherto been able to find any ſatisfactory ſolution.

Arminianiſm.

Amidſt

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Amidſt that complication of diſputes in which men were then involved, we may obſerve, that the appellation *Puritan* ſtood for three parties, which, though commonly united, were yet actuated by very different views and motives. There were the political Puritans, who maintained the higheſt principles of civil liberty; the Puritans in diſcipline, who were averſe to the ceremonies and epiſcopal government of the church; and the doctrinal Puritans, who rigidly defended the ſpeculative ſyſtem of the firſt reformers. In oppoſition to all theſe ſtood the court party, the hierarchy, and the Arminians; only with this diſtinction, that the latter ſect being introduced a few years before, did not as yet comprehend all thoſe who were favourable to the church and to monarchy. But as the controverſies on every ſubject grew daily warmer, men united themſelves more intimately with their friends, and ſeparated themſelves wider from their antagoniſts; and the diſtinction gradually became quite uniform and regular.

This houſe of commons, which, like all the preceding during the reigns of James and Charles, and even of Elizabeth, was much governed by the puritanical party, thought that they could not better ſerve their cauſe, than by branding and puniſhing the Arminian ſect, which, introducing an innovation in the church, were the leaſt favoured and leaſt powerful of all their antagoniſts. From this meaſure it was eaſily foreſeen, that, beſides gratifying the animoſity of the doctrinal Puritans, both the Puritans in diſcipline and thoſe in politics would reap conſiderable advantages. Laud, Neile, Montague, and other biſhops, who were the chief ſupporters of epiſcopal government, and the moſt zealous partizans of the diſcipline and ceremonies of the church, were all ſuppoſed to be tainted with Arminianiſm. The ſame men and their diſciples were the ſtrenuous preachers of paſſive obedience, and of entire ſubmiſſion

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mission to princes; and if these could once be censured, and be expelled the church and court, it was concluded, that the hierarchy would receive a mortal blow, the ceremonies be less rigidly insisted on, and the king, deprived of his most faithful friends, be obliged to abate those high claims of prerogative on which at present he insisted.

But Charles, besides a view of the political consequences which must result from a compliance with such pretensions, was strongly determined, from principles of piety and conscience, to oppose them. Neither the dissipation incident to youth, nor the pleasures attending a high fortune, had been able to prevent this virtuous prince from embracing the most sincere sentiments of religion; and that character, which, in that religious age, should have been of infinite advantage to him, proved in the end the chief cause of his ruin; merely because the religion adopted by him was not of that precise mode and sect which *began* to prevail among his subjects. His piety, tho' remote from Popery, had a tincture of superstition in it; and, being averse to the gloomy spirit of the Puritans, was represented by them as tending towards the abominations of Antichrist. Laud also had unfortunately acquired a great ascendant over him; and as all those prelates, obnoxious to the commons, were regarded as his chief friends and most favoured courtiers, he was resolved not to disarm and dishonour himself, by abandoning them to the resentment of his enemies. Being totally unprovided with military force, and finding a refractory independent spirit to prevail among the people; the most solid basis of his authority, he thought, consisted in the support which he received from the hierarchy.

In the debates of the commons which are transmitted to us, it is easy to discern so early some sparks of that enthusiastic fire, which afterwards set the

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whole nation in combuſtion. One Rouſe made uſe of an illuſion, which, though familiar, ſeems to have been borrowed from the writings of Lord Bacon [k]. "If a man meet a dog alone," ſaid he, "the dog is "fearful, though ever ſo fierce by nature: But, if "the dog have his maſter with him, he will ſet up- "on that man from whom he fled before. This "ſhows, that lower natures, being backed by high- "er, encreaſe in courage and ſtrength; and certain- "ly man, being backed with Omnipotency, is a kind "of omnipotent creature. All things are poſſible "to him that believes; and where all things are poſ- "ſible, there is a kind of omnipotency. Where- "fore, let it be the unanimous conſent and reſolu- "tion of us all to make a vow and covenant hence- "forth to hold faſt our God and our religion; and "then ſhall we henceforth expect, with certainty, "happineſs in this world [l]."

Oliver Cromwell, at that time a young man of no account in the nation, is mentioned in theſe debates, as complaining of one who, he was told, preached flat Popery [m]. It is amuſing to obſerve the firſt words of this fanatical hypocrite correſpond ſo exactly to his character.

The enquiries and debates concerning tonnage and poundage went hand in hand with theſe theological or metaphyſical controverſies. The officers of the cuſtomhouſe were ſummoned before the commons, to give an account by what authority they had ſeized the goods of merchants who had refuſed to pay theſe duties: The barons of the exchequer were queſtioned concerning their decrees on that head [n]. One of the ſheriffs of London was committed to the Tower for his activity in ſupporting the officers of the cu-

k Eſſay of Atheiſm.
l Ruſhworth, vol. i. p. 646. Parl. Hiſt. vol. viii. p. 260.
m Ruſhworth, vol. i. p. 655. Parl. Hiſt. vol. viii. p. 289.
n Ruſhworth, vol. i. p. 654. Parl. Hiſt. vol. viii. p. 301.

ſtomhouſe:

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ſtomhouſe: The goods of Rolles, a merchant, and member of the houſe, being ſeized for his refuſal to pay the duties, complaints were made of this violence, as if it were a breach of privilege[o]: Charles ſupported his officers in all theſe meaſures; and the quarrel grew every day higher between him and the commons[p]. Mention was made in the houſe of impeaching Sir Richard Weſton, the treaſurer[q]; and the king began to entertain thoughts of finiſhing the ſeſſion by a diſſolution.

Sir John Elliot framed a remonſtrance againſt levying tonnage and poundage without conſent of parliament, and offered it to the clerk to read. It was refuſed. He read it himſelf. The queſtion being then called for, the ſpeaker, Sir John Finch, ſaid, *That he had a command from the king to adjourn, and to put no queſtion*[r]. Upon which he roſe and left the chair. The whole houſe was in an uproar. The ſpeaker was puſhed back into the chair, and forcibly held in it by Hollis and Valentine, till a ſhort remonſtrance was framed, and was paſſed by acclamation rather than by vote. Papiſts and Arminians were there declared capital enemies to the commonwealth. Thoſe who levied tonnage and poundage were branded with the ſame epithet. And even the merchants who ſhould voluntarily pay theſe duties, were denominated betrayers of Engliſh liberty, and public enemies. The doors being locked, the gentleman uſher of the houſe of lords, who was ſent by the king,

o Ruſhworth, vol. i. p. 653.
p Ibid. p. 658.
q Parl. Hiſt. vol. viii. p. 326.
r The king's power of adjourning, as well as proroguing the parliament, was and is never queſtioned. In the 19th of the late king, the judges determined, that the adjournment by the king kept the parliament *in ſtatu quo* until the next ſitting; but that then no committees were to meet: But if the adjournment be by the houſe, then the committees and other matters do continue. Parl. Hiſt. vol. v. p. 466.

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1629. Diſſolution of the parliament. March 10.

could not get admittance till this remonſtrance was finiſhed. By the king's order, he took the mace from the table, which ended their proceedings [s]. And a few days after the parliament was diſſolved.

The diſcontents of the nation ran high, on account of this violent rupture between the king and parliament. Theſe diſcontents Charles inflamed by his affectation of a ſeverity which he had not power, nor probably inclination, to carry to extremities. Sir Miles Hobart, Sir Peter Heyman, Selden, Coriton, Long, Strode, were committed to priſon, on account of the laſt tumult in the houſe, which was called ſedition [t]. With great difficulty, and after ſeveral delays, they were releaſed; and the law was generally ſuppoſed to be wreſted, in order to prolong their impriſonment. Sir John Elliot, Hollis, and Valentine, were ſummoned to their trial in the king's bench, for ſeditious ſpeeches and behaviour in parliament; but refuſing to anſwer before an inferior court for their conduct, as members of a ſuperior, they were condemned to be impriſoned during the king's pleaſure, to find ſureties for their good behaviour, and to be fined, the two former a thouſand pounds a-piece, the latter five hundred [u]. This ſentence, procured by the influence of the crown, ſerved only to ſhow the king's diſregard to the privileges of parliament, and to acquire an immenſe ſtock of popularity to the ſufferers, who had ſo bravely, in oppoſition to arbitrary power, defended the liberties of their native country. The commons of England, though an immenſe body, and poſſeſſed of the greater part of national property, were naturally ſomewhat defenceleſs, becauſe of their perſonal equality, and their want of leaders: But the king's ſeverity, if theſe proſecutions deſerve the name, here

s Ruſhworth, vol. i. p. 660. Whitlocke, p. 12.
t Ruſhworth, vol. i. p. 661. 681. Parl. Hiſt. vol. viii. p. 354. May, p. 13.
u Ruſhworth, vol. i. p. 684. 691.

pointed

pointed out leaders to them, whose resentment was inflamed, and whose courage was no-wise daunted by the hardships which they had undergone in so honourable a cause. CHAP. LI. 1629.

So much did these prisoners glory in their sufferings, that, though they were promised liberty on that condition, they would not condescend even to present a petition to the king, expressing their sorrow for having offended him [x]. They unanimously refused to find sureties for their good behaviour; and disdained to accept of deliverance on such easy terms. Nay, Hollis was so industrious to continue his meritorious distress, that, when one offered to bail him, he would not yield to the rule of court, and be himself bound with his friend. Even Long, who had actually found sureties in the chief justice's chamber, declared in court, that his sureties should no longer continue [y]. Yet because Sir John Elliot happened to die while in custody, a great clamour was raised against the administration; and he was universally regarded as a martyr to the liberties of England [z].

x Whitlocke, p. 13.
y Kennet, vol. iii. p. 49.
z Rushworth, vol. v. p. 440.

CHAP. LII.

Peace with France——Peace with Spain——State of the court and miniſtry——Character of the queen——Strafford——Laud——Innovations in the church——Irregular levies of money——Severities in the ſtar-chamber and high commiſſion——Ship money——Trial of Hambden.

CHAP. LII. 1629.

THERE now opens to us a new ſcene. Charles, naturally diſguſted with parliaments, who, he found, were determined to proceed againſt him with unmitigated rigour, both in invading his prerogative, and refuſing him all ſupply, reſolved not to call any more, till he ſhould ſee greater indications of a compliant diſpoſition in the nation. Having loſt his great favourite, Buckingham, he became his own miniſter; and never afterwards repoſed in any one ſuch unlimited confidence. As he chiefly follows his own genius and diſpoſition, his meaſures are henceforth leſs raſh and haſty; though the general tenor of his adminiſtration ſtill wants ſomewhat of being entirely legal, and perhaps more of being entirely prudent.

We ſhall endeavour to exhibit a juſt idea of the events which followed for ſome years; ſo far as they regard foreign affairs, the ſtate of the court, and the government of the nation. The incidents are neither numerous nor illuſtrious; but the knowledge of them is neceſſary for underſtanding the ſubſequent tranſactions, which are ſo memorable.

Charles, deſtitute of all ſupply, was neceſſarily reduced to embrace a meaſure which ought to have been the reſult of reaſon and ſound policy. He made peace with the two crowns, againſt which he had hitherto waged a war, entered into without neceſſity, and

and conducted without glory. Notwithstanding the distracted and helpless condition of England, no attempt was made either by France or Spain to invade their enemy; nor did they entertain any farther project, than to defend themselves against the feeble and ill-concerted expeditions of that kingdom. Pleased that the jealousies and quarrels between king and parliament had disarmed so formidable a power, they carefully avoided any enterprise which might rouse either the terror or anger of the English, and dispose them to domestic union and submission. The endeavours to regain the good will of the nation were carried so far by the king of Spain, that he generously released and sent home all the English prisoners taken in the expedition against Cadiz. The example was imitated by France, after the retreat of the English from the isle of Rhé. When princes were in such dispositions, and had so few pretensions on each other, it could not be difficult to conclude a peace. The treaty was first signed with France [c]. The situation of the king's affairs did not entitle him to demand any conditions for the Hugonots, and they were abandoned to the will of their sovereign. Peace was afterwards concluded with Spain: where no conditions were made in favour of the Palatine, except that Spain promised in general to use their good offices for his restoration [d]. The influence of these two wars on domestic affairs, and on the dispositions of king and people, was of the utmost consequence: But no alteration was made by them on the foreign interests of the kingdom.

CHAP. LII. 1629.

Peace with France and Spain.

14th April.

1630.

5th Nov.

Nothing more happy can be imagined than the situation in which England then stood with regard to foreign affairs. Europe was divided between the rival families of Bourbon and Austria, whose opposite interests, and still more their mutual jealousies, secured the tranquillity of this island. Their forces were

c Rushworth, vol. ii. p. 23, 24.
d Idem, ibid. p. 75. Whitlocke, p. 14.

CHAP. LII. 1630.

so nearly counterpoised, that no apprehensions were entertained of any event which could suddenly disturb the balance of power between them. The Spanish monarch, deemed the most powerful, lay at greatest distance: And the English, by that means, possessed the advantage of being engaged by political motives into a more intimate union and confederacy with the neighbouring potentate. The dispersed situation of the Spanish dominions rendered the naval power of England formidable to them, and kept that empire in continual dependence. France, more vigorous and more compact, was every day rising in policy and discipline; and reached, at last, an equality of power with the house of Austria: But her progress, slow and gradual, left it still in the power of England, by a timely interposition, to check her superiority. And thus Charles, could he have avoided all dissentions with his own subjects, was in a situation to make himself be courted and respected by every power in Europe; and, what has scarcely ever since been attained by the princes of this island, he could either be active with dignity, or neutral with security.

A neutrality was embraced by the king; and, during the rest of his reign, he seems to have little regarded foreign affairs, except so far as he was engaged by honour, and by friendship for his sister and the Palatine, to endeavour the procuring of some relief for that unhappy family. He joined his good offices to those of France, and mediated a peace between the kings of Sweden and Poland, in hopes of engaging the former to embrace the protection of the oppressed Protestants in the empire. This was the famed Gustavus, whose heroic genius, seconded by the wisest policy, made him in a little time the most distinguished monarch of the age, and rendered his country, formerly unknown and neglected, of great weight in the balance of Europe. To encourage

and

and assist him in his projected invasion of Germany, Charles agreed to furnish him with six thousand men; but, that he might preserve the appearance of neutrality, he made use of the marquis of Hamilton's name[e]. That nobleman entered into an engagement with Gustavus; and enlisting these troops in England and Scotland at Charles's expence, he landed them in the Elbe. The decisive battle of Leipsic was fought soon after; where the conduct of Tilly and the valour of the Imperialists were overcome by the superior conduct of Gustavus, and the superior valour of the Swedes. What remained of this hero's life was one continued series of victory, for which he was less beholden to fortune, than to those personal endowments which he derived from nature and from industry. That rapid progress of conquest, which we so much admire in antient history, was here renewed in modern annals; and without that cause to which, in former ages, it had ever been owing. Military nations were not now engaged against an undisciplined and unwarlike people; nor heroes set in opposition to cowards. The veteran troops of Ferdinand, conducted by the most celebrated generals of the age, were foiled in every encounter, and all Germany was over-run in an instant by the victorious Swede. But by this extraordinary and unexpected success of his ally, Charles failed of the purpose for which he framed the alliance. Gustavus, elated by prosperity, began to form more extensive plans of ambition; and in freeing Germany from the yoke of Ferdinand, he intended to reduce it to subjection under his own. He refused to restore the Palatine to his principality, except on conditions which would have kept him in total dependence[f]. And thus the negociation was protracted, till the battle of Lutzen, where the Swedish

CHAP. LII. 1630.

e Rushworth, vol. i. p. 46. 53. 62. 83.

f Franklyn, vol. i, p. 475.

monarch

CHAP. LII. 1630.

monarch perished in the midst of a complete victory which he obtained over his enemies.

We have carried on these transactions a few years beyond the present period, that we might not be obliged to return to them; nor be henceforth interrupted in our account of Charles's court and kingdoms.

State of the court and ministry.

When we consider Charles as presiding in his court, as associating with his family, it is difficult to imagine a character at once more respectable and more amiable. A kind husband, an indulgent father, a gentle master, a stedfast friend; to all these eulogies his conduct in private life fully entitled him. As a monarch too, in the exterior qualities, he excelled; in the essential, he was not defective. His address and manner, though perhaps inclining a little towards stateliness and formality, in the main corresponded to his high rank, and gave grace to that reserve and gravity which were natural to him. The moderation and equity which shone forth in his temper, *seemed* to secure him against rash and dangerous enterprises: The good sense, which he displayed in his discourse and conversation, *seemed* to warrant his success in every reasonable undertaking. Other endowments likewise he had attained, which, in a private gentleman, would have been highly ornamental, and which, in a great monarch, might have proved extremely useful to his people. He was possessed of an excellent taste in all the fine arts; and the love of painting was in some degree his favourite passion. Learned beyond what is common in princes, he was a good judge of writing in others, and enjoyed himself no mean talent in composition. In any other age or nation, this monarch had been secure of a prosperous and a happy reign. But the high idea of his own authority which he had imbibed, made him incapable of giving way to the spirit of liberty which *began* to prevail among his subjects. His politics were

were not ſupported by ſuch vigour and foreſight as might enable him to ſubdue their pretenſions, and maintain his prerogative at the high pitch to which it had been raiſed by his predeceſſors. And above all, the ſpirit of enthuſiaſm being univerſally diffuſed, diſappointed all the views of human prudence, and diſturbed the operation of every motive which uſually influences ſociety. CHAP. LII. 1638.

But the misfortunes ariſing from theſe cauſes were yet remote. Charles now enjoyed himſelf in the full exerciſe of his authority, in a ſocial intercourſe with his friends and courtiers, and in a moderate uſe of thoſe pleaſures which he moſt affected.

After the death of Buckingham, who had ſomewhat alienated Charles from the queen, ſhe is to be conſidered as his chief friend and favourite. That ruſtic contempt of the fair ſex which James affected, and which, baniſhing them from his court, made it reſemble more a fair or an exchange, than the ſeat of a great prince, was very wide of the diſpoſition of this monarch. But though full of complaiſance to the whole ſex, Charles reſerved all his paſſion for his conſort, to whom he attached himſelf with unſhaken fidelity and confidence. By her ſenſe and ſpirit, as well as by her beauty, ſhe juſtified the fondneſs of her huſband; though it is allowed, that, being ſomewhat of a paſſionate temper, ſhe precipitated him into haſty and imprudent meaſures. Her religion, likewiſe, to which ſhe was much addicted, muſt be regarded as a great misfortune, ſince it augmented the jealouſy which prevailed againſt the court, and engaged her to procure for the Catholics ſome indulgencies which were generally diſtaſteful to the nation[g]. Character of the queen.

In the former ſituation of the Engliſh government, when the ſovereign was in a great meaſure independent of his ſubjects, the king choſe his miniſters,

[g] May, p. 21.

either

CHAP. LII. 1630.

either from perſonal favour, or from an opinion of their abilities, without any regard to their parliamentary intereſt or talents. It has ſince been the maxim of princes, wherever popular leaders encroach too much on royal authority, to confer offices on them: in expectation that they will afterwards become more careful not to diminiſh that power which has become their own. Theſe politics were embraced by Charles; a ſure proof that a ſecret revolution had happened in the conſtitution, and had neceſſitated the prince to adopt new maxims of government [h]. But the views of the king were at this time ſo repugnant to thoſe of the Puritans, that the leaders whom he gained, loſt, from that moment, all intereſt with their party, and were even purſued as traitors with implacable hatred and reſentment. This was the caſe with Sir Thomas Wentworth, whom the king created, firſt a baron, then a viſcount, and afterwards earl of Strafford; made him preſident of the council of York, and deputy of Ireland; and regarded him as his chief miniſter and counſellor. By his eminent talents and abilities, Strafford merited all the confidence which his maſter repoſed in him: His character was ſtately and auſtere; more fitted to procure eſteem than love: His fidelity to the king was unſhaken; but as he now employed all his counſels to ſupport the prerogative, which he had formerly bent all his endeavours to diminiſh, his virtue ſeems not to have been entirely pure, but to have been ſuſceptible of ſtrong impreſſions from private intereſt and ambition. Sir Dudley Digges was about the ſame time created maſter of the rolls: Noy, attorney general: Littleton, ſolicitor general. All theſe had likewiſe been parliamentary leaders; and were men eminent in their profeſſion [i].

Strafford.

In all eccleſiaſtical affairs, and even in many civil, Laud, biſhop of London, had great influence over

Laud.

h Sir Edw. Walker, p. 328. i Whitlocke, p. 13. May, p. 20.

the

the king. This man was virtuous, if severity of manners alone and abstinence from pleasure, could deserve that name. He was learned, if polemical knowledge could intitle him to that praise. He was disinterested, but with unceasing industry he studied to exalt the priestly and prelatical character, which was his own. His zeal was unrelenting in the cause of religion; that is, in imposing, by rigorous measures, his own tenets and pious ceremonies on the obstinate Puritans, who had profanely dared to oppose him. In prosecution of his holy purposes, he overlooked every human consideration; or, in other words, the heat and indiscretion of his temper made him neglect the views of prudence and rules of good manners. He was in this respect happy, that all his enemies were also imagined by him the declared enemies to loyalty and true piety, and that every exercise of his anger, by that means, became in his eyes a merit and a virtue. This was the man who acquired so great an ascendant over Charles, and who led him, by the facility of his temper, into a conduct which proved so fatal to himself and to his kingdoms. CHAP. LII. 1630.

Innovations in the church.

The humour of the nation ran at that time into the extreme opposite to superstition; and it was with difficulty that the ancient ceremonies, to which men had been accustomed, and which had been sanctified by the practice of the first reformers, could be retained in divine service: Yet was this the time which Laud chose for the introduction of new ceremonies and observances. Besides that these were sure to displease as innovations, there lay, in the opinion of the public, another very forcible objection against them. Laud, and the other prelates who embraced his measures, were generally well-instructed in sacred antiquity, and had adopted many of those religious sentiments which prevailed during the fourth and fifth centuries, when the Christian church, as is well known,

CHAP. LII. 1630.

known, was already ſunk into thoſe ſuperſtitions, which were afterwards continued and augmented by the policy of Rome. The revival, therefore, of the ideas and practices of that age, could not fail of giving the Engliſh faith and liturgy ſome reſemblance to the Catholic ſuperſtition, which the kingdom in general, and the Puritans in particular, held in the greateſt horror and deteſtation. Men alſo were apt to think, that without ſome ſecret purpoſe, ſuch inſignificant obſervances would not be impoſed with ſuch unrelenting zeal on the refractory nation; and that Laud's ſcheme was to lead back the Engliſh, by gradual ſteps, to the religion of their anceſtors. They conſidered not, that the very inſignificancy of theſe ceremonies recommended them to the ſuperſtitious prelate, and made them appear the more peculiarly ſacred and religious, as they could ſerve to no other purpoſe. Nor was the reſemblance to the Romiſh ritual any objection, but rather a merit, with Laud and his brethren, who bore a much greater kindneſs to the mother-church, as they called her, than to the ſectaries and Preſbyterians, and frequently recommended her as a true Chriſtian church; an appellation which they refuſed, or at leaſt ſcrupled to give to the others[k]. So openly were theſe tenets eſpouſed, that not only the diſcontented Puritans believed the church of England to be relapſing faſt into Romiſh ſuperſtition: The court of Rome itſelf entertained hopes of regaining its authority in this iſland; and, in order to forward Laud's ſuppoſed good intentions, an offer was twice made him, in private, of a cardinal's hat, which he declined accepting[l]. His anſwer was, as he ſays himſelf, *That ſomething dwelt within him, which would not ſuffer his compliance, till Rome were other than it is*[m].

k May, p. 25.
l Ruſhworth, vol. ii. p. 190. Welwood, p. 61.
m Ruſhworth, vol. iii. p. 1327. Whitlocke, p. 97.

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A court lady, daughter of the earl of Devonshire, having turned Catholic, was asked by Laud the reasons of her conversion. *'Tis chiefly*, said she, *because I hate to travel in a crowd.* The meaning of this expression being demanded, she replied, *I perceive your grace and many others are making haste to Rome; and, therefore, in order to prevent my being crowded, I have gone before you.* It must be confessed, that though Laud deserved not the appellation of Papist, the genius of his religion was, though in a less degree, the same with that of the Romish: The same profound respect was exacted to the sacerdotal character, the same submission required to the creeds and decrees of synods and councils, the same pomp and ceremony was affected in worship, and the same superstitious regard to days, postures, meats, and vestments.—No wonder, therefore, that this prelate was every where, among the Puritans, regarded with horror, as the forerunner of Antichrist.

As a specimen of the new ceremonies, to which Laud sacrificed his own quiet and that of the nation, it may not be amiss to relate those which he was accused of employing in the consecration of St Catherine's church, and which were the object of such general scandal and offence.

On the bishop's approach to the west door of the church, a loud voice cried, *Open, open, ye everlasting doors, that the king of glory may enter in!* Immediately the doors of the church flew open, and the bishop entered. Falling upon his knees, with eyes elevated and arms expanded, he uttered these words: *This place is holy; the ground is holy: In the name of the Father, Son, and Holy Ghost, I pronounce it holy.*

Going towards the chancel, he several times took up from the floor some of the dust, and threw it in the air. When he approached, with his attendants, near

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near to the communion-table, he bowed frequently towards it: And, on their return, they went round the church repeating, as they marched along, ſome of the pſalms: And then ſaid a form of prayer, which concluded with theſe words: *We conſecrate this church, and ſeparate it unto thee as holy ground, not to be profaned any more to common uſes.*

After this, the biſhop, ſtanding near the communion-table, ſolemnly pronounced many imprecations upon ſuch as ſhould afterwards pollute that holy place by muſters of ſoldiers, or keeping in it profane law-courts, or carrying burdens through it. On the concluſion of every curſe he bowed towards the eaſt, and cried, *Let all the people ſay, Amen.*

The imprecations being all ſo piouſly finiſhed, there were poured out a number of bleſſings upon ſuch as had any hand in framing and building that ſacred and beautiful edifice, and on ſuch as had given, or ſhould hereafter give to it, any chalices, plate, ornaments, or utenſils. At every benediction, he, in like manner bowed towards the eaſt, and cried, *Let all the people ſay, Amen.*

The ſermon followed; after which, the biſhop conſecrated and adminiſtered the ſacrament in the following manner:—

As he approached the communion-table, he made many lowly reverences: And coming up to that part of the table where the bread and wine lay, he bowed ſeven times. After the reading of many prayers, he approached the ſacramental elements, and gently lifted up the corner of the napkin in which the bread was placed. When he beheld the bread, he ſuddenly let fall the napkin, flew back a ſtep or two, bowed three ſeveral times towards the bread; then he drew nigh again, opened the napkin, and bowed as before.

Next, he laid his hand on the cup, which had a cover upon it, and was filled with wine. He let go

the

the cup, fell back, and bowed thrice toward it. He approached again; and, lifting up the cover, peeped into the cup. Seeing the wine, he let fall the cover, started back, and bowed as before. Then he received the sacrament, and gave it to others. And many prayers being said, the solemnity of the consecration ended. The walls, and floor, and roof of the fabric were then supposed to be sufficiently holy [n].

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Orders were given, and rigorously insisted on, that the communion-table should be removed from the middle of the area, where it hitherto stood in all churches, except in cathedrals [o]. It was placed at the east end, railed in, and denominated an ALTAR; as the clergyman, who officiated, received commonly the appellation of PRIEST. It is not easy to imagine the discontents excited by this innovation, and the suppositions which it gave rise to.

The kneeling at the altar, and the using of copes, a species of embroidered vestment, in administring the sacrament, were also known to be great objects of scandal, as being Popish practices: But the opposition rather encreased than abated the zeal of the prelate for the introduction of these habits and ceremonies.

All kinds of ornament, especially pictures, were necessary for supporting that mechanical devotion, which was purposed to be raised in this model of religion: But as these had been so much employed by the church of Rome, and had given rise to so much superstition, or what the Puritans called idolatry, it was impossible to introduce them into English churches, without exciting general murmurs and complaints.—But Laud, possessed of present authority, persisted in his purpose, and made several attempts towards acquiring these ornaments. Some of the pictures, introduced by him, were also found, upon enquiry,

n Rush. vol. ii. p. 76, 77. Welwood, p. 475. Franklyn, p. 386.

o Rush. vol. ii. p. 207. Whitlocke, p. 24.

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to be the very ſame that might be met with in the maſs-book. The crucifix too, that eternal conſolation of all pious Catholics, and terror to all ſound Proteſtants, was not forgotten on this occaſion [p].

It was much remarked, that Sherfield, the recorder of Saliſbury, was tried in the ſtar-chamber, for having broken, contrary to the biſhop of Saliſbury's expreſs injunctions, a painted window of St Edmond's church in that city. He boaſted, that he had deſtroyed theſe monuments of idolatry: But for this effort of his zeal, he was fined 500 l. removed from his office, condemned to make a public acknowledgment, and be bound to his good behaviour [q].

Not only ſuch of the clergy, as neglected to obſerve every ceremony, were ſuſpended and deprived by the high-commiſſion court: Oaths were, by many of the biſhops, impoſed on the church-wardens; and they were ſworn to inform againſt any one who acted contrary to the eccleſiaſtical canons [r]. Such a meaſure, though practiſed during the reign of Elizabeth, gave much offence; as reſembling too nearly the practice of the Romiſh inquiſition.

To ſhow the greater alienation from the churches reformed after the Preſbyterian model, Laud adviſed, that the diſcipline and worſhip of the church ſhould be impoſed on the Engliſh regiments and trading companies abroad [s]. All foreigners of the Dutch and Walloon congregations were commanded to attend the eſtabliſhed church; and indulgence was granted to none after the children of the firſt denizens [t]. Scudamore, too, the king's ambaſſador at Paris, had orders to withdraw himſelf from the

p Ruſhworth, vol. ii. p. 272, 273.
q Ibid. p. 152. State Trials, vol. v. p. 46. Franklyn, p. 410, 411, 412.
r Ruſhworth, vol. ii. p. 186.
s Ibid. p. 249. Franklyn, p. 451.
t Ruſhworth, vol. ii. p. 272.

communion

communion of the Hugonots. Even men of ſenſe were apt to blame this conduct, not only becauſe it gave offence in England, but becauſe, in foreign countries, it loſt the crown the advantage of being conſidered as the head and ſupport of the reformation [u].

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On pretence of pacifying diſputes, orders were iſſued from the council, forbidding, on both ſides, all preaching and printing with regard to the controverted points of predeſtination and free-will. But it was complained of, and probably with reaſon, that the impartiality was altogether confined to the orders, and that the execution of them was only meant againſt the Calviniſts.

In return for Charles's indulgence towards the church, Laud and his followers took care to magnify on every occaſion the regal authority, and to treat with the utmoſt diſdain or deteſtation, all puritanical pretenſions to a free and independent conſtitution. But while theſe prelates were ſo liberal in raiſing the crown at the expence of public liberty, they made no ſcruple of encroaching themſelves on the royal rights the moſt inconteſtible, in order to exalt the hierarchy, and procure to their own order dominion and independence. All the doctrines which the Romiſh church had borrowed from ſome of the fathers, and which freed the ſpiritual from ſubordination to the civil power, were now adopted by the church of England, and interwoven with her political and religious tenets. A divine and apoſtolical charter was inſiſted on, preferably to a legal and parliamentary one [w]. The ſacerdotal character was magnified as ſacred and indefeizable: All right to ſpiritual authority, or even to private judgment in ſpiritual ſubjects, was refuſed to profane laymen: Eccleſiaſtical courts were held by the biſhops in their own name, without

u State Papers collected by the earl of Clarendon, p. 338.

w Whilocke, p. 22.

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any notice taken of the king's authority: And Charles, though extremely jealous of every claim in popular aſſemblies, ſeemed rather to encourage than repreſs thoſe encroachments of his clergy. Having felt many ſenſible inconveniences from the independent ſpirit of parliaments, he attached himſelf entirely to thoſe who profeſſed a devoted obedience to his crown and perſon; nor did he foreſee that the eccleſiaſtical power which he exalted, not admitting of any preciſe boundary, might in time become more dangerous to public peace, and no leſs fatal to royal prerogative than the other.

So early as the coronation, Laud was the perſon, according to general opinion, that introduced a novelty, which, though overlooked by Charles, made a deep impreſſion on many of the byeſtanders. After the uſual ceremonies, theſe words were recited to the king: "Stand and hold faſt, from henceforth, "the place to which you have been heir by the ſucceſſion of your forefathers being now delivered to "you by the authority of Almighty God, and by "the hands of us and all the biſhops and ſervants of "God. And as you ſee the clergy to come nearer "the altar than others, ſo remember, that in all "places convenient, you give them greater honour; "that the Mediator of God and man may eſtabliſh "you on the kingly throne, to be a mediator betwixt the clergy and the laity; and that you may "reign for ever with Jeſus Chriſt, the King of kings, "and Lord of lords[x]."

The principles which exalted prerogative were not entertained by the king, merely as ſoft and agreeable to his royal ears: They were alſo put in practice during the time that he ruled without parliaments. Though frugal and regular in his expence, he wanted money for the ſupport of government; and he

x Franklyn, p. 114. Ruſhworth, vol. i. p. 201.

levied

levied it, either by the revival of obsolete laws, or by violations, some more open, some more disguised, of the privileges of the nation. Though humane and gentle in his temper, he gave way to a few severities in the star-chamber and high-commission, which seemed necessary, in order to support the present mode of administration, and repress the rising spirit of liberty throughout the kingdom. Under these two heads may be reduced all the remarkable transactions of this reign during some years: For, in peaceable and prosperous times, where a neutrality in foreign affairs is observed, scarcely any thing is remarkable, but what is in some degree blamed or blameable. And, lest the hope of relief or protection from parliament might encourage opposition, Charles issued a proclamation, in which he declared, "That, whereas, for several ill ends, the calling a- "gain of a parliament is divulged; though his ma- "jesty has shown, by frequent meetings with his peo- "ple, his love to the use of parliaments: Yet the "late abuse having for the present driven him un- "willingly out of that course, he will account it "presumption for any one to prescribe to him any "time for the calling of that assembly[y]." This was generally construed as a declaration, that, during this reign, no more parliaments were intended to be summoned[z]. And every measure of the king's confirmed a suspicion so disagreeable to the generality of the people.

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Tonnage and poundage continued to be levied by the royal authority alone. The former additional impositions were still exacted. Even new impositions were laid on several kinds of merchandize[a].

Irregular levies of money.

The custom-house officers received orders from the council to enter into any house, warehouse, or cellar; to search any trunk or chest; and to break any bulk whatever, in default of the payment of customs[b].

y Parl. Hist. vol. viii. p. 389. Rush. vol. ii. p. 3.
z Clarendon, vol. i. p. 4. May, p. 14.
a Rush. vol. ii. p. 8. May, p. 16.
b Rush. vol. ii. p. 9.

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In order to exercise the militia, and to keep them in good order, each county, by an edict of the council, was assessed in a certain sum, for maintaining a muster-master appointed for that service [c].

Compositions were openly made with recusants, and the Popish religion became a regular part of the revenue. This was all the persecution which it underwent during the reign of Charles [d].

A commission was granted for compounding with such as were possessed of crown-lands upon defective titles; and, on this pretence, some money was exacted from the people [e].

There was a law of Edward II. [f], that whoever was possessed of twenty pounds a-year in land, should be obliged, when summoned, to appear and to receive the order of knighthood. Twenty pounds at that time, partly by the change of denomination, partly by that in the value of money, were equivalent to 200 in the seventeenth century; and it seemed just, that the king should not strictly insist on the letter of the law, and oblige people of so small revenue to accept of that expensive honour. Edward VI. [g], and Queen Elizabeth [h], who had both of them made use of this expedient for raising money, had summoned only those who were possessed of forty pounds a-year and upwards to receive knighthood, or compound for their neglect; and Charles imitated their example, in granting the same indulgence. Commissioners were appointed for fixing the rates of composition; and instructions were given to these commissioners, not to accept of a less sum than would have been due by the party, upon a tax of three subsidies and a half [i]. Nothing proves more plainly, how

c Rush. vol. ii. p. 10.
d Idem, ibid. p. 11, 12, 13. 247.
e Idem, ibid. p. 49.
f *Statutum de militibus.*
g Rymer, tom. xv. p. 124.
h Idem, 493. 504.
i Rush, vol. ii. p. 70, 71, 72. May, p. 16.

ill-disposed

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ill-disposed the people were to the measures of the crown, than to observe, that they loudly complained of an expedient, founded on positive statute, and warranted by such recent precedents. The law was pretended to be obsolete; though only one reign had intervened since the last execution of it.

Severities of the star-chamber and high commission.

Barnard, lecturer of St Sepulchre's London, used this expression in his prayer before sermon; *Lord, open the eyes of the queen's majesty, that she may see Jesus Christ, whom she has pierced with her infidelity, superstition, and idolatry.* He was questioned in the high commission court for this insult on the queen; but, upon his submission, dismissed [k]. Leighton, who had written libels against the king, the queen, the bishops, and the whole administration, was condemned by a very severe, if not a cruel sentence; but the execution of it was suspended for some time, in expectation of his submission [l]. All the severities, indeed, of this reign were exercised against those who triumphed in their sufferings, who courted persecution, and braved authority: And, on that account, their punishment may be deemed the more just, but the less prudent. To have neglected them entirely, had it been consistent with order and public safety, had been the wisest measure that could have been embraced; as perhaps it had been the most severe punishment that could have been inflicted on these zealots.

1631.

In order to gratify the clergy with a magnificent fabric, subscriptions were set on foot for repairing and rebuilding St Pauls; and the king, by his countenance and example, encouraged this laudable undertaking [m]. By order of the privy-council, St Gregory's church was removed, as an impediment to the project of extending and beautifying the cathedral.

k Rushworth, vol. ii. p. 32.
l Kennet's complete Hist. vol. iii. p. 60. Whitlocke, p. 15.
m Idem, p. 17.

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Some houſes and ſhops likewiſe were pulled down; and compenſation was made to the owners [n]. As there was no immediate proſpect of aſſembling a parliament, ſuch acts of power in the king became neceſſary; and in no former age would the people have entertained any ſcruple with regard to them. It muſt be remarked, that the Puritans were extremely averſe to the raiſing of this ornament to the capital. It favoured, as they pretended, of Popiſh ſuperſtition.

A ſtamp-duty was impoſed on cards; a new tax, which of itſelf was liable to no objection, but appeared of dangerous conſequence, when conſidered as arbitrary and illegal [o].

Monopolies were revived; an oppreſſive method of levying money, being unlimited, as well as deſtructive of induſtry. The laſt parliament of James, which aboliſhed monopolies, had left an equitable exception in favour of new inventions; and, on pretence of theſe, and of erecting new companies and corporations, was this grievance now renewed. The manufacture of ſoap was given to a company who paid a ſum for their patent [p]. Leather, ſalt, and many other commodities, even down to linen rags, were likewiſe put under reſtrictions.

It is affirmed by Clarendon, that ſo little benefit was reaped from theſe projects, that of 200,000 pounds thereby levied on the people, ſcarcely 1500 came into the king's coffers. Though we ought not to ſuſpect the noble hiſtorian of exaggerations to the diſadvantage of Charles's meaſures, this fact, it muſt be owned, appears ſomewhat incredible. The ſame author adds, that the king's intention was to teach his ſubjects how unthrifty a thing it was to refuſe reaſonable ſupplies to the crown. An imprudent project! to offend a whole nation, under the view of puniſhment; and to hope, by acts of violence,

n Ruſhworth, vol. ii. p. 88, 89, 90. 207. 462. 718.
o Idem, ibid. p. 103.
p Ruſhworth, vol. ii. p. 136. 142. 189. 252.

to

to break their refractory spirits, without being pos- CHAP. LII.
sessed of any force to prevent resistance.

The council of York had been first erected, after a rebellion, by a patent from Henry VIII. without any authority of parliament; and this exercise of power, like many others, was indulged to that arbitrary monarch. This council had long acted chiefly as a criminal court; but, besides some innovations, introduced by James, Charles thought proper, some time after Wentworth was made president, to extend its powers, and to give it a large civil jurisdiction, and that in some respects discretionary [q]. It is not improbable that the king's intention was only to prevent inconveniencies, which arose from the bringing of every cause from the most distant parts of the kingdom into Westminster Hall. But the consequence, in the mean time, of this measure, was the putting of all the northern counties out of the protection of ordinary law, and subjecting them to an authority somewhat arbitrary. Some irregular acts of that council were this year complained of [r]. 1632.

The court of star-chamber extended its authority; and it was matter of complaint, that it incroached upon the jurisdiction of the other courts; imposing heavy fines and inflicting severe punishment, beyond the usual course of justice. Sir David Foulis was fined 5000 pounds, chiefly because he had dissuaded a friend from compounding with the commissioners of knighthood [s]. 1633.

Prynne, a barrister of Lincoln's Inn, had written an enormous quarto of a thousand pages, which he called *Histrio-Mastyx*. Its professed purpose was to decry stage-plays, comedies, interludes, music, dancing; but the author likewise took occasion to de-

q Rushworth, vol. ii. p. 158, 159, &c. Franklyn, p. 412.

r Rushworth, vol. ii. p. 202, 203.

s Ibid. vol. ii. p. 215, 216, &c.

claim

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claim against hunting, public festivals, Christmas-keeping, bonfires, and May-poles. His zeal against all these levities, he says, was first moved by observing, that plays sold better than the choicest sermons, and that they were frequently printed on finer paper than the Bible itself. Besides, that the players were often Papists, and desperately wicked, the play-houses, he affirms, are Satan's chapels; the play-haunters little better than incarnate devils; and, so many steps in a dance, so many paces to hell. The chief crime of Nero he represents to have been his frequenting and acting of plays; and those who nobly conspired his death were principally moved to it, as he affirms, by their indignation at that enormity. The rest of his thousand pages is of a like strain. He had obtained a license from Archbishop Abbot's Chaplain; yet was he indicted in the star-chamber as a libeller. It was thought somewhat hard, that general invectives against plays should be interpreted into satires against the king and queen, merely because they frequented these amusements, and because the queen sometimes acted a part in pastorals and interludes, which were represented at court. The author, it must be owned, had, in plainer terms, blamed the hierarchy, the ceremonies, the innovations in religious worship, and the new superstitions introduced by Laud [t]; and this, probably, together with the obstinacy and petulance of his behaviour before the star-chamber, was the reason why his sentence was so severe. He was condemned to be put from the bar; to stand on the pillory in two places, Westminster and Cheapside; to lose both his ears, one in

t The music in the churches, he affirmed not to be the noise of men, but a bleating of brute beasts; choristers bellow the tenor, as it were oxen; bark a counterpart, as it were a kennel of dogs, roar out a treble, as it were a sort of bulls, and grunt out a base, as it were a number of hogs. Christmas, as it is kept, is the devil's Christmas. And Prynne employed a great number of pages to persuade men to affect the name of *Puritan*, as if Christ had been a Puritan; and so he saith in his Index. Rush. vol. ii. p. 223.

each

such place; to pay 5000 pounds fine to the king; and to be imprisoned during life[u]. CHAP. LII. 1633.

This fame Prynne was a great hero among the Puritians; and it was chiefly with a view of mortifying that sect, that, though of an honourable profession, he was condemned by the star-chamber to so ignominious a punishment. The thorough-paced Puritans were distinguishable by the sourness and austerity of their manners, and by their aversion to all pleasure and society[w]. To inspire them with better humour, was certainly, both for their own sake and that of the public, a laudible intention in the court; but whether pillories, fines, and prisons, were proper expedients for that purpose, may admit of some question.

Another expedient which the king tried, in order to infuse cheerfulness into the national devotion, was not much more successful. He renewed his father's edict for allowing sports and recreations on Sunday to such as attended public worship; and he ordered his proclamation for that purpose to be publicly read by the clergy after divine service[x]. Those who were puritanically affected refused obedience, and were punished by suspension or deprivation. The differences between the sects were before sufficiently great; nor was it necessary to widen them farther by these inventions.

Some encouragement and protection, which the king and the bishops gave to wakes, church-ales, bride-ales, and other cheerful festivals of the common people, were the objects of like scandal to the Puritans[y].

This year Charles made a journey to Scotland, attended by the court, in order to hold a parliament June 18.

u Rush. vol. ii. p. 220, 221, &c.
w Dugdale, p. 2.
x Rush. vol. ii. p. 193. 459. Whitlocke, p. 16, 17. Franklyn, p. 437.
y Rush. vol. ii. p. 191, 192. May, p. 2.

there,

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there, and to pass through the ceremony of his coronation. The nobility and gentry of both kingdoms rivalled each other, in expressing all duty and respect to the king, and in showing mutual friendship and regard to each other. No one could have suspected, from exterior appearances, that such dreadful scenes were approaching.

One chief article of business (for it deserves the name) which the king transacted in this parliament, was, besides obtaining some supply, to procure authority for ordering the habits of clergymen[z]. The act did not pass without opposition and difficulty. The dreadful surplice was before men's eyes; and they apprehended, with some reason, that, under sanction of this law, it would soon be introduced among them. Though the king believed that his prerogative entitled him to a power, in general, of directing whatever belonged to the exterior government of the church, this was deemed a matter of too great importance to be ordered without the sanction of a particular statute.

Immediately after the king's return to England, he heard of archbishop Abbot's death: And, without delay, he conferred that dignity on his favourite, Laud; who, by this accession of authority, was now enabled to maintain ecclesiastical discipline with greater rigour, and to aggravate the general discontent of the nation.

Laud obtained the bishopric of London for his friend Juxon, and, about a year after the death of Sir Richard Weston, created earl of Portland, had interest enough to engage the king to make that prelate high treasurer. Juxon was a person of great integrity, mildness, and humanity, and endued with a good understanding[a]. Yet did this last promotion give general offence. His birth and character were deemed too obscure for a man raised to one of the highest offices of the crown. And the clergy, it was

z Rush. ibid. p. 183. a Whitlocke, p. 23. Clarendon, vol. i. p. 99.

thought,

thought, were already too much elated by former instances of the king's attachment to them, and needed not this farther encouragement to assume dominion over the laity [b]. The Puritans, likewise, were much dissatisfied with Juxon, notwithstanding his eminent virtues, because he was a lover of profane field-sports and hunting.

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1634. Ship-money.

Ship-money was now introduced. The first writs of this kind had been directed to sea-port towns only: But ship-money was at this time levied on the whole kingdom; and each county was rated at a particular sum, which was afterwards assessed upon individuals [c]. The amount of the whole tax was very moderate, little exceeding 200,000 pounds. It was levied upon the people with equality: The money was entirely expended on the navy, to the great honour and advantage of the kingdom. As England had no military force, while all the other powers of Europe were strongly armed, a fleet seemed absolutely necessary for her security: And it was obvious that a navy must be built and equipped at leisure, during peace; nor could it possibly be fitted out on a sudden emergence, when the danger became urgent: Yet all these considerations could not reconcile the people to the imposition. It was entirely arbitrary: By the same right any other tax might be imposed: And men thought a powerful fleet, though very desirable both for the credit and safety of the kingdom, but an unequal recompence for their liberties, which, they apprehended, were thus sacrificed to the obtaining of it.

England, it must be owned, was, in this respect, unhappy in its present situation, that the king had entertained a very different idea of the constitution, from that which *began*, in general, to prevail among

b Clarendon, vol. i. p. 97. May, p. 23.
c Rushworth, vol. ii. p. 257, 258, &c.

his

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his subjects. He did not regard national privileges as so sacred and inviolable, that nothing but the most extreme necessity could justify an infringement of them. He considered himself as the supreme magistrate, to whose care Heaven, by his birth-right, had committed his people, whose duty it was to provide for their security and happiness, and who was vested with ample discretionary powers for that salutary purpose. If the observance of ancient laws and customs was consistent with the present convenience of government, he thought himself obliged to comply with that rule; as the easiest, the safest, and what procured the most prompt and willing obedience. But when a change of circumstances, especially if derived from the obstinacy of the people, required a new plan of administration, national privileges, he thought, must yield to supreme power; nor could any order of the state oppose any right to the will of the sovereign, directed to the good of the public [d]. That these principles of government were derived from the uniform tenor of the English laws, it would be rash to affirm. The fluctuating nature of the constitution, the impatient humour of the people, and the variety of events, had, no doubt, in different ages, produced exceptions and contradictions. These observations alone may be established on both sides, *that* the appearances were sufficiently strong in favour of the king to apologize for his following such maxims; and *that* public liberty must be so precarious under this exorbitant prerogative, as to render an opposition not only excuseable, but laudable, in the people. [e].

Some laws had been enacted, during the reign of Henry VII. against depopulation, or the converting of arable lands into pasture. By a decree of the star-

[d] Rushworth, vol. iv. 535 542.

[e] See note [Y] at the end of the volume.

chamber,

chamber, Sir Anthony Roper was fined 4000l. for an offence of that nature[f]. This severe sentence was intended to terrify others into composition; and above 30,000l. were levied by that expedient[g]. Like compositions, or, in default of them, heavy fines, were required for encroachments on the king's forests; whose bounds, by decrees deemed arbitrary, were extended much beyond what was usual[h]. The bounds of one forest, that of Rockingham, were increased from six miles to sixty[i]. The same refractory humour which made the people refuse to the king voluntary supplies, disposed them, with better reason, to murmur against these irregular methods of taxation.

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Morley was fined 10,000l. for reviling, challenging, and striking, in the court of Whitehall, Sir George Theobald, one of the king's servant's[k]. This fine was thought exorbitant; but whether it was compounded, as was usual in fines imposed by the star-chamber, we are not informed.

Allison had reported, that the archbishop of York had incurred the king's displeasure, by asking a limited toleration for the Catholics, and an allowance to build some churches for the exercise of their religion. For this slander against the archbishop, he was condemned in the star-chamber to be fined 1000l. to be committed to prison, to be bound to his good behaviour during life, to be whipped, and to be set on the pillory at Westminster, and in three other towns in England. Robins, who had been an accomplice in the guilt, was condemned by a sentence equally severe[l]. Such events are rather to be considered as rare and detached incidents, collected by the severe

f Rushworth, vol. ii. p. 270. Vol. iii. App. p. 106.
g Idem, vol. iii. p. 333. Franklyn, p. 478.
h May, p. 16.
i Strafford's Letters and Dispatches, vol. ii. p. 117.
k Rushworth, vol. ii. p. 270.
l Ibid. p. 269.

scrutiny

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scrutiny of historians, than as proofs of the prevailing genius of the king's administration, which seems to have been more gentle and equitable than that of most of his predecessors: There were, on the whole, only five or six such instances of rigour during the course of fifteen years, which elapsed before the meeting of the long parliament. And it is also certain, that scandal against the great, though seldom prosecuted at present, is, however, in the eye of the law, a great crime, and subjects the offender to very heavy penalties.

There are other instances of the high respect paid to the nobility and to the great in that age, when the powers of monarchy, though disputed, still maintained themselves in their pristine vigor. Clarendon[m] tells us a pleasant incident to this purpose: A waterman, belonging to a man of quality, having a squabble with a citizen about his fare, showed his badge, the crest of his master, which happened to be a swan; and thence insisted on better treatment from the citizen. But the other replied carelessly, that he did not trouble his head about that goose. For this offence he was summoned before the marshal's court; was fined, as having opprobriously defamed the nobleman's crest, by calling the swan a goose; and was in effect reduced to beggary.

Sir Richard Granvile had thought himself ill used by the Earl of Suffolk in a law-suit; and he was accused before the star-chamber of having said of that nobleman, that he was a base lord. The evidence against him was somewhat lame; yet, for this slight offence, insufficiently proved, he was condemned to pay a fine of 8000 l. one half to the earl, the other to the king[n].

Sir George Markham, following a chace where lord Darcy's huntsman was exercising his hounds, kept closer to the dogs than was thought proper by the huntsman, who, besides other rudeness, gave him foul

[m] Life of Clarendon, vol. i. p. 72. [n] Lord Lansdown, p. 514.

language,

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language, which Sir George returned with a ſtroke of his whip. The fellow threatened to complain to his maſter: The knight replied, If his maſter ſhould juſtify ſuch inſolence, he would ſerve him in the ſame manner, or words to that effect. Sir George was ſummoned before the ſtar-chamber, and fined 10,000 pounds. *So fine a thing was it in theſe days to be a lord!*——A natural reflection of Lord Lanſdown's, in relating this incident[o]. The people, in vindicating their liberties from the authority of the crown, threw off alſo the yoke of the nobility. It is proper to remark, that this laſt incident happened early in the reign of James. The preſent practice of the ſtar-chamber was far from being an innovation; though the preſent diſpoſitions of the people made them repine more at this ſervitude.

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Charles had imitated the example of Elizabeth and James, and had iſſued proclamations forbidding the landed gentlemen and the nobility to live idly in London, and ordering them to retire to their country-ſeats[p]. For diſobedience to this edict, many were indicted by the attorney-general, and were fined in the ſtar-chamber[q]. This occaſioned diſcontents; and the ſentences were complained of as illegal. But if proclamations had authority, of which nobody pretended to doubt, muſt they not be put in execution? In no inſtance, I muſt confeſs, does it more evidently appear, what confuſed and uncertain ideas were, during that age, entertained concerning the Engliſh conſtitution.

Ray, having exported fullers earth, contrary to to king's proclamation, was, beſides the pillory, con-

o Lord Lanſdown, p 515. This ſtory is told differently in Hobart's Reports, p. 120. It there appears, that Markham was fined only 500 pounds, and very deſervedly: For he gave the lie and wrote a challenge to Lord Darcy. James was anxious to diſcourage the practice of duelling, which was then very prevalent.

p Ruſhworth, vol. ii. p. 144.

q Idem ibid. p. 288.

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demned in the ſtar-chamber to a fine of 2000 pounds[r]. Like fines were levied on Terry, Eman, and others, for diſobeying a proclamation which forbad the exportation of gold[s]. In order to account for the ſubſequent convulſions, even theſe incidents are not to be overlooked, as frivolous or contemptible. Such ſeverities were afterwards magnified into the greateſt enormities.

1635.

There remains a proclamation of this year, prohibiting hackney-coaches from ſtanding in the ſtreet[t]. We are told, that there were not above twenty coaches of that kind in London. There are at preſent near eight hundred.

1636. The effects of ſhip-money began now to appear. A formidable fleet of ſixty ſail, the greateſt that England had ever known, was equipped under the earl of Northumberland, who had orders to attack the herring-buſſes of the Dutch, which fiſhed in what were called the Britiſh ſeas. The Dutch were content to pay 30,000 pounds for a licenſe during this year. They openly denied, however, the claim of dominion in the ſeas, beyond the friths, bays, and ſhores; and it may be queſtioned whether the laws of nations warrant any farther pretenſions.

This year the king ſent a ſquadron againſt Sallee; and with the aſſiſtance of the emperror of Morocco, deſtroyed that receptacle of pirates, by whom the Engliſh commerce and even the Engliſh coaſts had long been infeſted.

1637. Burton, a divine, and Baſtwick, a phyſician, were tried in the ſtar-chamber for ſeditious and ſchiſmatical libels, and were condemned to the ſame puniſhment that had been inflicted on Prynne. Prynne

r Ruſhworth, vol. ii. p. 348.
s Idem, ibid. p. 350.
t Idem, ibid. p. 316.

himſelf

himself was tried for a new offence; and, together with another fine of 5000 l. was condemned to lose what remained of his ears. Besides, that these writers had attacked, with great severity, and even an intemperate zeal, the ceremonies, rites, and government of the church; the very answers which they gave in to the court, were so full of contumacy and of invectives against the prelates, that no lawyer could be prevailed on to sign them [u]. The rigours, however, which they underwent, being so unworthy men of their profession, gave general offence; and the patience, or rather alacrity, with which they suffered, encreased still farther the indignation of the public [w]. The severity of the star-chamber, which was generally ascribed to Laud's passionate disposition, was, perhaps, in itself, somewhat blameable; but will naturally, to us, appear enormous, who enjoy, in the utmost latitude, that liberty of the press which is esteemed so necessary in every monarchy confined by strict legal limitations. But as these limitations were not regularly fixed during the age of Charles, nor at any time before; so was this liberty totally unknown, and was generally deemed, as well as religious toleration, incompatible with all good government. No age or nation, among the moderns, had ever set an example of such an indulgence; and it seems unreasonable to judge of the measures embraced during one period, by the maxims which prevail in another.

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Burton, in his book where he complained of innovations, mentioned, among others, that a certain Wednesday had been appointed for a fast, and that the fast was ordered to be celebrated without any sermons [x]. The intention, as he pretended, of that novelty was, by the example of a fast without sermons, to suppress all the Wednesday's lectures in

[u] Rush. vol. ii. p. 381, 382, &c. State Trials, vol. v. p. 66.

[w] State Trials, vol. v. p. 80.

[x] Ibid. p. 74. Franklyn, p. 839.

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London. It is obſervable, that the church of Rome and that of England, being, both of them, lovers of form, and ceremony, and order, are more friends to prayer than preaching; while the puritanical ſectaries, who find that the latter method of addreſs, being directed to a numerous audience preſent and viſible, is more inflaming and animating, have always regarded it as the chief part of divine ſervice. Such circumſtances, though minute, it may not be improper to tranſmit to poſterity, that thoſe who are curious of tracing the hiſtory of the human mind, may remark, how far its ſeveral ſingularities coincide in different ages.

Certain zealots had erected themſelves into a ſociety for buying in of impropriations, and transferring them to the church; and great ſums of money had been bequeathed to the ſociety for theſe purpoſes. But it was ſoon obſerved, that the only uſe which they made of their funds, was to eſtabliſh lectures in all the conſiderable churches; men who, without being ſubjected to Epiſcopal authority, employed themſelves entirely in preaching and ſpreading the fire of Puritaniſm. Laud took care, by a decree, which was paſſed in the court of exchequer, and which was much complained of, to aboliſh this ſociety, and to ſtop their progreſs [y]. It was, however, ſtill obſerved, that, throughout England, the lecturers were all of them puritanically affected; and from them the clergymen, who contented themſelves with reading prayers and homilies to the people, commonly received the reproachful appellation of *dumb dogs*.

The Puritans, reſtrained in England, ſhipped themſelves off for America, and laid there the foundations of a government, which poſſeſſed all the liberty, both civil and religious, of which they found themſelves

y Ruſh. vol. ii. p. 150, 151. Whitlocke, p. 15. Hiſtory of the life and ſufferings of Laud, p. 211, 212.

bereaved

bereaved in their native country. But their enemies, unwilling that they ſhould any where enjoy eaſe and contentment, and dreading, perhaps, the dangerous conſequences of ſo diſaffected a colony, prevailed on the king to iſſue a proclamation, debarring theſe devotees acceſs even into thoſe inhoſpitable deſerts [x]. Eight ſhips, lying in the Thames, and ready to ſail, were detained by order of the council; and in theſe were embarked Sir Arthur Hazelrig, John Hambden, John Pym, and Oliver Cromwell [y], who had reſolved for ever to abandon their native country, and fly to the other extremity of the globe; where they might enjoy lectures and diſcourſes of any length or form which pleaſed them. The king had afterwards full leiſure to repent this exerciſe of his authority.

The biſhop of Norwich, by rigorouſly inſiſting on uniformity, had baniſhed many induſtrious tradeſmen from that city, and chaced them into Holland [z].—The Dutch began to be more intent on commerce than on orthodoxy; and thought, that the knowledge of uſeful arts and obedience to the laws formed a good citizen; though attended with errors in ſubjects, where it is not allowable for human nature to expect any poſitive truth or certainty.

Complaints about this time were made, that the petition of right was, in ſome inſtances, violated, and that, upon a commitment by the king and council, bail or releaſement had been refuſed to Jennings, Pargiter, and Danvers [a].

Williams, biſhop of Lincoln, a man of ſpirit and learning, a popular prelate, and who had been lord-

x Ruſh. vol. ii. p. 409, 418.

y Mather's Hiſtory of New England, book i. Dugdale. Bates. Hutchinſon's Hiſt. of Maſſachuſet's Bay, vol. i. p. 42. This laſt quoted author puts the fact beyond controverſy.—And it is a curious fact, as well with regard to the characters of the men, as of the times. Can any one doubt, that the enſuing quarrel was almoſt entirely theological, not political? What might be expected of the populace, when ſuch was the character of the moſt enlightened leaders?

z May, p. 82.

a Ruſh. vol. ii. p. 414.

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keeper, was fined 10,000 l. by the ſtar-chamber, committed to the Tower during the king's pleaſure, and ſuſpended from his office. This ſevere ſentence was founded on frivolous pretences, and was more aſcribed to Laud's vengeance, than to any guilt of the biſhop [b]. Laud, however, had owed his firſt promotion to the good offices of that prelate with King James. But ſo implacable was the haughty primate, that he raiſed up a new proſecution againſt Williams, on the ſtrangeſt pretence imaginable. In order to levy the fine above mentioned, ſome officers had been ſent to ſeize all the furniture and books of his Epiſcopal palace of Lincoln; and, in rummaging the houſe, they found, in a corner, ſome neglected letters, which had been thrown by as uſeleſs. Theſe letters were written by one Oſbaldiſtone, a ſchoolmaſter, and were directed to Williams. Mention was there made of *a little great man*; and, in another paſſage, the ſame perſon was denominated *a little urchin*. By inferences and conſtructions, theſe epithets were applied to Laud; and on no better foundation was Williams tried anew, as having received ſcandalous letters, and not diſcovering that private correſpondence. For this offence, another fine of 8000 l. was levied on him: Oſbaldiſtone was likewiſe brought to trial, and condemned to pay a fine of 5000 l. and to have his ears nailed to the pillory before his own ſchool. He ſaved himſelf by flight; and left a note in his ſtudy, wherein he ſaid, "That he was gone beyond Canterbury [c]."

Theſe proſecutions of Williams ſeem to have been the moſt iniquitous meaſure purſued by the court during the time that the uſe of parliaments was ſuſpended. Williams had been indebted for all his fortune to the favour of James; but having quarrelled, firſt with Buckingham, then with Laud, he threw

b Ruſh. vol. ii. p. 416, &c. c Ibid p. 803, &c. Whitlocke, p. 25.

himſelf

himself into the country party; and with great firmness and vigour opposed all the measures of the king. A creature of the court to become its obstinate enemy, a bishop to countenance Puritans!—These circumstances excited indignation, and engaged the ministers in those severe measures. Not to mention, what some writers relate, that, before the sentence was pronounced against him, Williams was offered a pardon, upon his submission, which he refused to make. The court was apt to think, that so refractory a spirit must by any expedient be broken and subdued. CHAP. LII. 1637.

In a former trial which Williams underwent[d] (for these were not the first) there was mentioned, in court, a story, which, as it discovers the genius of parties, may be worth relating. Sir John Lambe urging him to prosecute the Puritans, the prelate asked, what sort of people these same Puritans were? Sir John replied, "That to the world they seemed "to be such as would not swear, whore, or be "drunk; but they would lie, cozen, and deceive: "That they would frequently hear two sermons a-"day, and repeat them too; and that sometimes "they would fast all day long." This character must be conceived to be satirical; yet, it may be allowed, that that sect was more averse to such irregularities as proceed from the excess of gaiety and pleasure, than to those enormities which are the most destructive of society. The former were opposite to the very genius and spirit of their religion; the latter were only a transgression of its precepts. And it was not difficult for a gloomy enthusiast to convince himself, that a strict observance of the one would atone for any violation of the other.

In 1632, the treasurer, Portland, had insisted with the vintners, that they should submit to a tax of a penny a quart upon all the wine which they retailed. But they rejected the demand. In order to punish

d Rushworth, vol. ii. p. 416.

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them, a decree, ſuddenly, without much enquiry or examination, paſſed in the ſtar-chamber, prohibiting them to ſell or dreſs victuals in their houſes [e]. Two years after, they were queſtioned for the breach of this decree; and, in order to avoid puniſhment, they agreed to lend the king ſix thouſand pounds. Being threatened, during the ſubſequent years with fines and proſecutions, they at laſt compounded the matter, and ſubmitted to pay half of that duty which was at firſt demanded of them [f]. It required little foreſight to perceive, that the king's right of iſſuing proclamations muſt, if proſecuted, draw on a power of taxation.

Lilburne was accuſed before the ſtar-chamber, of publiſhing and diſperſing ſeditious pamphlets. He was ordered to be examined; but refuſed to take the oath, uſual in that court, that he would anſwer interrogatories, even though they might lead him to accuſe himſelf. For this contempt, as it was interpreted, he was condemned to be whipped, pilloried, and impriſoned. While he was whipped at the cart, and ſtood on the pillory, he harangued the populace, and declaimed violently againſt the tyranny of biſhops. From his pockets alſo he ſcattered pamphlets, ſaid to be ſeditious, becauſe they attacked the hierarchy. The ſtar-chamber, which was ſitting at that very time, ordered him immediately to be gagged. He ceaſed not, however, though both gagged and pilloried, to ſtamp with his foot and geſticulate, in order to ſhow the people, that, if he had it in his power, he would ſtill harangue them. This behaviour gave freſh provocation to the ſtar-chamber; and they condemned him to be impriſoned in a dungeon, and to be loaded with irons [g]. It was found difficult to break the ſpirits of men who placed both their honour and their conſcience in ſuffering.

[e] Ruſh. vol. ii. p. 197. [f] Idem, ibid. p. 451. [g] Ibid. p. 465, 466, 467.

The

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The jealousy of the church appeared in another instance less tragical. Archy, the king's fool, who, by his office, had the privilege of jesting on his master, and the whole court, happened unluckily to try his wit upon Laud, who was too sacred a person to be played with. News having arrived from Scotland of the first commotions excited by the liturgy, Archy, seeing the primate pass by, called to him, *Who's fool, now, my lord?* For this offence, Archy was ordered, by sentence of the council, to have his coat pulled over his head, and to be dismissed the king's service [h].

Here is another instance of that rigorous subjection in which all men were held by Laud. Some young gentlemen of Lincoln's inn, heated by their cups, having drunk confusion to the archbishop, were, at his instigation, cited before the star-chamber. They applied to the earl of Dorset for protection. *Who bears witness against you?* said Dorset. *One of the drawers*, they said. *Where did he stand when you were supposed to drink this health?* subjoined the earl. *He was at the door*, they replied, *going out of the room. Tush!* cried he, *the drawer was mistaken: You drank confusion to the Archbishop of Canterbury's enemies, and the fellow was gone before you pronounced the last word.* This hint supplied the young gentlemen with a new method of defence. And, being advised by Dorset to behave with great humility and great submission to the primate, the modesty of their carriage, the ingenuity of their apology, with the patronage of that noble lord, saved them from any severer punishment than a reproof and admonition, with which they were dismissed [i].

Trial of Hambden.

This year, John Hambden acquired, by his spirit and courage, universal popularity throughout the nation, and has merited great renown with posterity, for the bold stand which he made in defence of the

h Rush. vol. ii. p. 470. Welwood, p. 278. i Rush. vol. iii. p. 180.

laws

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laws and liberties of his country. After the impoſing of ſhip-money, Charles, in order to diſcourage all oppoſition, had propoſed this queſtion to the judges: "Whether, in a caſe of neceſſity, for the de-"fence of the kingdom, he might not impoſe this "taxation; and whether he were not ſole judge of "the neceſſity?" Theſe guardians of law and liberty replied, with great complaiſance, "That in a "caſe of neceſſity he might impoſe that taxation, "and that he was ſole judge of the neceſſity[k]." Hambden had been rated at twenty ſhillings for an eſtate which he poſſeſſed in the county of Buckingham: Yet, notwithſtanding this declared opinion of the judges, notwithſtanding the great power, and ſometimes rigorous maxims of the crown, notwithſtanding the ſmall proſpect of relief from parliament, he reſolved, rather than tamely ſubmit to ſo illegal an impoſition, to ſtand a legal proſecution, and expoſe himſelf to all the indignation of the court. The caſe was argued during twelve days, in the exchequer chamber, before all the judges of England; and the nation regarded, with the utmoſt anxiety, every circumſtance of this celebrated trial. The event was eaſily foreſeen. But the principles, and reaſonings, and behaviour of the parties engaged in the trial were much canvaſſed and enquired into; and nothing could equal the favour paid to the one ſide, except the hatred which attended the other.

It was urged by Hambden's council, and by his partizans in the nation, that the plea of neceſſity was in vain introduced into a trial of law; ſince it was the nature of neceſſity to aboliſh all law, and, by irreſiſtible violence, to diſſolve all the weaker and more artificial ties of human ſociety. Not only the prince, in caſes of extreme diſtreſs, is exempted from the ordinary rules of adminiſtration: All orders of men are then levelled; and

[k] Ruſh. vol. ii. p. 355. Whitlocke, p. 24.

any

any individual may conſult the public ſafety by any expedient which his ſituation enables him to employ. But to produce ſo violent an effect, and ſo hazardous to every community, an ordinary danger or difficulty is not ſufficient; much leſs a neceſſity, which is merely fictitious and pretended. Where the peril is urgent and extreme, it will be palpable to every member of the ſociety; and though all ancient rules of government are in that caſe abrogated, men will readily, of themſelves, ſubmit to that irregular authority, which is exerted for their preſervation. But what is there in common between ſuch ſuppoſitions, and the preſent condition of the nation? England enjoys a profound peace with all her neighbours: And what is more, all her neighbours are engaged in furious and bloody wars among themſelves, and by their mutual enmities farther enſure her tranquillity. The very writs themſelves, which are iſſued for the levying of ſhip-money, contradict the ſuppoſition of neceſſity, and pretend only that the ſeas are infeſted with pirates; a ſlight and temporary inconvenience, which may well await a legal ſupply from parliament. The writs likewiſe allow ſeveral months for equipping the ſhips; which proves a very calm and deliberate ſpecies of neceſſity; and one that admits of delay much beyond the forty days requiſite for ſummoning that aſſembly. It is ſtrange, too, that an extreme neceſſity which is always apparent, and uſually comes to a ſudden criſis, ſhould now have contiued without interruption for near four years, and ſhould have remained during ſo long a time, inviſible to the whole kingdom. And as to the pretenſion, that the king is ſole judge of the neceſſity; what is this but to ſubject all the privileges of the nation to his arbitrary will and pleaſure? To expect that the public will be convinced by ſuch reaſoning, muſt aggravate the general indignation; by adding to violence againſt men's perſons and their property, ſo cruel a mockery of their underſtanding.

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In vain are precedents of ancient writs produced; These writs, when examined, are only found to require the sea-ports, sometimes at their own charge, sometimes at the charge of the counties, to send their ships for the defence of the nation. Even the prerogative, which empowered the crown to issue such writs, is abolished, and its exercise almost entirely discontinued, from the time of Edward III.[1]; and all the authority which remained, or was afterwards exercised, was to press ships into the public service, to be paid for by the public. How wide are these precedents from a power of obliging the people, at their own charge, to build new ships, to victual and pay them, for the public; nay, to furnish money to the crown for that purpose? What security either against the farther extension of this claim, or against diverting to other purposes the public money so levied? The plea of necessity would warrant any other taxation as well as that of ship-money: Wherever any difficulty shall occur, the administration, instead of endeavouring to elude or overcome it by gentle and prudent measures, will instantly represent it as a reason for infringing all ancient laws and institutions: And if such maxims and such practices prevail, what has become of national liberty? What authority is left to the great charter, to the statutes, and to that very petition of right, which, in the present reign, had been so solemnly enacted by the concurrence of the whole legislature?

The defenceless condition of the kingdom while unprovided with a navy; the inability of the king, from his established revenues, with the utmost care and frugality to equip and maintain one; the impossibility of obtaining, on reasonable terms, any voluntary supply from parliament: All these are reasons of state, not topics of law. If these reasons appear to the king so urgent as to dispense with the legal rules

[1] State Trials, vol. v. p. 545. 555.

of

of government, let him enforce his edicts by his court of ſtar-chamber, the proper inſtrument of irregular and abſolute power; not proſtitute the character of his judges by a decree, which is not and cannot poſſibly be legal. By this means, the boundaries, at leaſt will be kept more diſtinct between ordinary law and extraordinary exertions of prerogative; and men will know, that the national conſtitution is only ſuſpended during a preſent and difficult emergence, but has not undergone a total and fundamental alteration.

Notwithſtanding theſe reaſons, the prejudiced judges, four [m] excepted, gave ſentence in favour of the crown. Hambden, however, obtained by the trial the end for which he had ſo generouſly ſacrificed his ſafety and his quiet: The people were rouzed from their lethargy, and became ſenſible of the danger to which their liberties were expoſed. Theſe national queſtions were canvaſſed in every company; and the more they were examined, the more evidently did it appear to many, that liberty was totally ſubverted, and an unuſual and arbitrary authority exerciſed over the kingdom. Slaviſh principles, they ſaid, concur with illegal practices; eccleſiaſtical tyranny gives aid to civil uſurpation; iniquitous taxes are ſupported by arbitrary puniſhments; and all the privileges of the nation, tranſmitted through ſo many ages, ſecured by ſo many laws, and purchaſed by the blood of ſo many heroes and patriots, now lye proſtrate at the feet of the monarch. What though public peace and national induſtry encreaſed the commerce and opulence of the kingdom? This advantage was temporary, and due alone, not to any encouragement given by the crown, but to the ſpirit of the Engliſh, the remains of their ancient freedom. What though the perſonal character of the king, amidſt all his miſguided counſels might merit indulgence, or even praiſe?

m See State Trials: Article *ſhip-money*, which contains the ſpeeches of four judges in favour of Hambden.

He

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He was but one man; and the privileges of the people, the inheritance of millions, were too valuable to be ſacrificed to his prejudices and miſtakes. Such, or more ſevere, were the ſentiments promoted by a great party in the nation: No excuſe on the king's part, or alleviation, how reaſonable ſoever, could be harkened to or admitted: And to redreſs theſe grievances, a parliament was impatiently longed for; or any other incident, however calamitous, that might ſecure the people againſt thoſe oppreſſions, which they felt, or the greater ills which they apprehended, from the combined encroachments of church and ſtate.

CHAP.

CHAP. LIII.

Diſcontents in Scotland——Introduction of the canons and liturgy——A tumult at Edinburgh——The covenant——A general aſſembly——Epiſcopacy aboliſhed——War——A pacification——Renewal of the war——Fourth Engliſh parliament——Diſſolution——Diſcontents in England——Rout at Newburn——Treaty at Rippon——Great council of the peers.

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THE grievances under which the Engliſh laboured, when conſidered in themſelves, without regard to the conſtitution, ſcarcely deſerve the name; nor were they either burthenſome on the people's properties, or anywiſe ſhocking to the natural humanity of mankind. Even the impoſition of ſhip-money, independent of the conſequences, was a great and evident advantage to the public; by the judicious uſe which the king made of the money levied by that expedient. And though it was juſtly apprehended, that ſuch precedents, if patiently ſubmitted to, would end in a total diſuſe of parliaments, and in the eſtabliſhment of arbitrary authority, Charles dreaded no oppoſition from the people, who are not commonly much affected with conſequences, and require ſome ſtriking motive to engage them in a reſiſtance of eſtabliſhed government. All eccleſiaſtical affairs were ſettled by law and uninterrupted precedent; and the church was become a conſiderable barrier to the power, both legal and illegal, of the crown. Peace too, induſtry, commerce, opulence; nay, even juſtice and lenity of adminiſtration, notwithſtanding ſome very few exceptions: All theſe were enjoyed by the people; and every other bleſſing of government, except liberty, or rather the preſent exerciſe of

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of liberty, and its proper ſecurity[9]. It ſeemed probable, therefore, that affairs might long have continued on the ſame footing in England, had it not been for the neighbourhood of Scotland; a country more turbulent, and leſs diſpoſed to ſubmiſſion and obedience. It was thence the commotions firſt aroſe; and it is therefore time for us to return thither, and to give an account of the ſtate of affairs in that kingdom.

Diſcontents in Scotland.

Though the pacific, and not unſkilful government of James, and the great authority which he had acquired, had much allayed the feuds among the great families, and had eſtabliſhed law and order throughout the kingdom; the Scottiſh nobility were ſtill poſſeſſed of the chief power and influence over the people. Their property was extenſive; their hereditary juriſdictions and the feudal tenures encreaſed their authority; and the attachment of the gentry to the heads of families eſtabliſhed a kind of voluntary ſervitude under the chieftains. Beſides that long abſence had much looſened the king's connections with the nobility, who reſided chiefly at their country ſeats; they were, in general, at this time, though from ſlight cauſes, much diſguſted with the court. Charles, from the natural piety or ſuperſtition of his temper, was extremely attached to the eccleſiaſtics: And as it is natural for men to perſuade themſelves, that their intereſt coincides with their inclination; he had eſtabliſhed it as a fixed maxim of policy, to encreaſe the power and authority of that order. The prelates, he thought, eſtabliſhed regularity and diſcipline among the clergy; the clergy inculcated obedience and loyalty among the people: And as that rank of men had not ſeparate authority, and no dependence but on the crown; the royal power, it would ſeem, might, with the greater ſafety, be entruſted in their hands. Many of the prelates, therefore,

[9] Clarendon, p. 74, 75. May, p. 18. Warwick, p. 62.

were

were raised to the chief dignities of the state[p]: Spotswood, archbishop of St Andrews, was created chancellor: Nine of the bishops were privy counsellors: The bishop of Ross aspired to the office of treasurer: Some of the prelates possessed places in the exchequer: And it was even endeavoured to revive the first institution of the college of justice, and to share equally between the clergy and laity the whole judicial authority[q]. These advantages possessed by the church, and which the bishops did not always enjoy with suitable modesty, disgusted the haughty nobility, who, deeming themselves much superior in rank and quality to this new order of men, were displeased to find themselves inferior in power and influence. Interest joined itself to ambition; and begat a jealousy, lest the episcopal sees, which at the reformation, had been pillaged by the nobles, should again be enriched at the expence of that order. By a most useful and beneficial law, the impropriations had already been ravished from the great men: Competent salaries had been assigned to the impoverished clergy from the tythes of each parish; and what remained, the proprietor of the land was impowered to purchase at a low valuation[r]. The king likewise, warranted by ancient law and practice, had declared for a general resumption of all crown-lands, alienated by his predecessors; and though he took no steps towards the execution of this project, the very pretension to such power had excited jealousy and discontent[s].

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Notwithstanding the tender regard which Charles bore to the whole church, he had been able, in Scotland, to acquire only the affection of the superior rank among the clergy. The ministers in general

p Rushworth, vol. ii. p. 386. May, p. 29.
q Guthry's Memoirs, p. 14. Burnet's Mem. p. 29, 30.
r King's Declaration, p. 7. Franklyn, p. 611.
s King's Declaration, p. 6.

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equalled, if not exceeded, the nobility in their prejudices againſt the court, againſt the prelates, and againſt epiſcopal authority [t]. Though the eſtabliſhment of the hierarchy might ſeem advantageous to the inferior clergy, both as it erected dignities, to which all of them might aſpire, and as it beſtowed a luſtre on the whole body, and allured men of family into it; theſe views had no influence on the Scottiſh eccleſiaſtics. In the preſent diſpoſition of men's minds, there was another circumſtance which drew conſideration, and counterbalanced power and riches, the uſual foundations of diſtinction among men; and that was, the fervour of piety, and the rhetoric, however barbarous, of religious lectures and diſcourſes. Checked by the prelates in the licenſe of preaching, the clergy regarded epiſcopal juriſdiction both as a tyranny and an uſurpation, and maintained a parity among eccleſiaſtics to be a divine privilege, which no human law could alter or infringe. While ſuch ideas prevailed, the moſt moderate exerciſe of authority would have given diſguſt; much more that extenſive power which the king's indulgence encouraged the prelates to aſſume. The juriſdiction of preſbyteries, ſynods, and other democratical courts, was in a manner aboliſhed by the biſhops; and the general aſſembly itſelf had not been ſummoned for ſeveral years [u]. A new oath was arbitrarily impoſed on intrants, by which they ſwore to obſerve the articles of Perth, and ſubmit to the liturgy and canons. And in a word, the whole ſyſtem of church government, during a courſe of thirty years, had been changed by means of the innovations introduced by James and Charles.

The people, under the influence of the nobility and clergy, could not fail to partake of the diſcontents which prevailed among theſe two orders; and where real grounds of complaint were wanting, they greedily

t Burnet, Mem. p. 29, 30. u May, p. 29.

laid

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laid hold of imaginary ones. The ſame horror againſt Popery, with which the Engliſh Puritans were poſſeſſed, was obſervable among the populace in Scotland; and among theſe, as being more uncultivated and uncivilized, ſeemed rather to be inflamed into a higher degree of ferocity. The genius of religion, which prevailed in the court and among the prelates, was of an oppoſite nature; and having ſome affinity to the Romiſh worſhip, led them to molify, as much as poſſible, the ſevere prejudices, and to ſpeak of the Catholics in more charitable language, and with more reconciling expreſſions. From this foundation, a panic fear of Popery was eaſily raiſed; and every new ceremony or ornament, introduced into divine ſervice, was part of that great myſtery of iniquity which, from the encouragement of the king and the biſhops, was to overſpread the nation [w]. The few innovations which James had made, were conſidered as preparatives to this grand deſign; and the farther alterations attempted by Charles, were repreſented as a plain declaration of his intentions. Through the whole courſe of this reign, nothing had more fatal influence, in both kingdoms, than this groundleſs apprehenſion, which, with ſo much induſtry was propagated, and with ſo much credulity was embraced, by all ranks of men.

Amidſt theſe dangerous complaints and terrors of religious innovation, the civil and eccleſiaſtical liberties of the nation were imagined, and with ſome reaſon, not to be altogether free from invaſion.

The eſtabliſhment of the high commiſſion by James, without any authority of law, ſeemed a conſiderable encroachment of the crown; and erected the moſt dangerous and arbitrary of all courts, by a method equally dangerous and arbitrary. All the ſteps towards the eſtabliſhment of Epiſcopy had indeed

[w] Burnet's Mem. p. 29, 30, 31.

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been taken with consent of parliament. The articles of Perth were confirmed in 1621: In 1633, the king had obtained a general ratification of every ecclesiastical establishment: But these laws had less authority with the nation, as they were known to have passed contrary to the sentiments even of those who voted for them, and were in reality extorted by the authority and importunity of the sovereign. The means, however, which both James and Charles had employed, in order to influence the parliament, were entirely regular; and no reasonable pretence had been afforded for representing these laws as null or invalid.

But there prevailed among the greater part of the nation another principle, of the most important and most dangerous nature, and which, if admitted, destroyed entirely the validity of all such statutes. The ecclesiastical authority was supposed totally independent of the civil; and no act of parliament, nothing but the consent of the church itself, was represented as sufficient ground for the introduction of any change in religious worship or discipline. And though James had obtained the vote of assemblies for receiving Episcopacy and his new rites, it must be confessed, that such irregularities had prevailed in constituting these ecclesiastical courts, and such violence in conducting them, that there were some grounds for denying the authority of all their acts. Charles, sensible that an extorted consent, attended with such invidious circumstances, would rather be prejudicial to his measures, had wholly laid aside the use of assemblies, and was resolved, in conjunction with the bishops, to govern the church by an authority to which he thought himself fully intitled, and which he believed inherent in the crown.

The king's great aim was to complete the work so happily begun by his father; to establish discipline upon a regular system of cannons, to introduce a li-

urgy into public worship, and to render the ecclesiastical government of all his kingdoms regular and uniform. Some views of policy might move him to this undertaking; but his chief motives were derived from principles of zeal and conscience.

Introduction of the canons and liturgy.

The canons for establishing ecclesiastical jurisdiction were promulgated in 1635; and were received by the nation, though without much appearing opposition, yet with great inward apprehension and discontent. Men felt displeasure, at seeing the royal authority highly exalted by them, and represented as absolute and uncontroulable. They saw these speculative principles reduced to practice, and a whole body of ecclesiastical laws established without any previous consent either of church or state[x]. They dreaded lest, by a parity of reason, like arbitrary authority, from like pretences and principles, would be assumed in civil matters: They remarked, that the delicate boundaries which separate church and state, were already passed, and many civil ordinances established by the canons, under colour of ecclesiastical institutions: And they were apt to deride the negligence with which these important edicts had been compiled, when they found, that the new liturgy or service-book was every where, under severe penalties, enjoined by them, though it had not yet been composed or published[y]. It was, however, soon expected; and in the reception of it, as the people are always most affected by what is external and exposed to the senses, it was apprehended, that the chief difficulty would consist.

The liturgy, which the king, from his own authority, imposed on Scotland, was copied from that of England: But lest a servile imitation might shock the pride of his ancient kingdom, a few alterations, in order to save appearances, were made in it; and

x Clarendon, vol. i. p. 106. y Idem, ibid. p. 105.

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in that ſhape it was tranſmitted to the biſhops at Edinburgh [z]. But the Scots had univerſally entertained a notion, that, though riches and worldly glory had been ſhared out to them with a ſparing hand, they could boaſt of ſpiritual treaſures more abundant and more genuine, than were enjoyed by any nation under heaven. Even their ſouthern neighbours, they thought, though ſeparated from Rome, ſtill retained a great tincture of the primitive pollution; and their liturgy was repreſented as a ſpecies of maſs, though with ſome leſs ſhow and embroidery [a]. Great prejudices, therefore, were entertained againſt it, even conſidered in itſelf; much more when regarded as a preparative, which was ſoon to introduce into Scotland all the abominations of Popery. And as the very few alterations which diſtinguiſhed the new liturgy from the Engliſh, ſeemed to approach nearer to the doctrine of the real preſence; this circumſtance was deemed an undoubted confirmation of every ſuſpicion with which the people were poſſeſſed [b].

Eaſter-day was, by proclamation, appointed for the firſt reading of the ſervice in Edinburgh: But in order to judge more ſurely of men's diſpoſitions, the council delayed the matter till the 23d of July; and they even gave notice, the Sunday before, of their intention to commence the uſe of the new liturgy. As no conſiderable ſymptoms of diſcontent appeared, they thought that they might ſafely proceed in their purpoſe [c]; and accordingly, in the cathedral church of St Giles, the dean of Edinburgh, arrayed in his ſurplice, began the ſervice; the biſhop himſelf and many of the privy-council being preſent. But no ſooner had the dean opened the book, than a multitude of the meaneſt ſort, moſt of them women, clap-

z King's Decl. p. 18. May, p. 32.
a King's Decl. p. 20.
b Burnet's Mem. p. 31. Ruſhworth, vol. ii. p. 396. May, p. 31.
c King's Decl. p. 22. Clarendon, vol. i. p. 108. Ruſhworth, vol. ii. p. 387.

ping

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1637. Tumult at Edinburgh.

ping their hands, curſing, and crying out, *A pope! a pope! Antichriſt! Stone him!* raiſed ſuch a tumult, that it was impoſſible to proceed with the ſervice. The biſhop, mounting the pulpit, in order to appeaſe the populace, had a ſtool thrown at him: The council was inſulted: And it was with difficulty that the magiſtrates were able, partly by authority, partly by force, to expel the rabble, and to ſhut the doors againſt them. The tumult, however, ſtill continued without: Stones were thrown at the doors and windows: And when the ſervice was ended, the biſhop, going home, was attacked, and narrowly eſcaped from the hands of the enraged multitude. In the afternoon, the privy-ſeal, becauſe he carried the biſhop in his coach, was ſo pelted with ſtones, and hooted at with execrations, and preſſed upon by the eager populace, that, if his ſervants, with drawn ſwords, had not kept them off, the biſhop's life had been expoſed to the utmoſt danger [d].

Though it was violently ſuſpected, that the low populace, who alone appeared, had been inſtigated by ſome of higher condition, yet no proof of it could be produced; and every one ſpake with diſapprobation of the licentiouſneſs of the giddy multitude [e]. It was not thought ſafe, however, to hazard a new inſult by any new attempt to read the liturgy; and the people ſeemed, for the time, to be appeaſed and ſatisfied. But it being known, that the king ſtill perſevered in his intentions of impoſing that mode of worſhip, men fortified themſelves ſtill farther in their prejudices againſt it; and great multitudes reſorted to Edinburgh, in order to oppoſe the introduction of ſo hated a novelty [f]. It was not long before they broke out in the moſt violent diſorder. The biſhop

d King's Decl. p. 23, 24, 25. Ruſhworth, vol. ii. p. 388.

e King's Decl. p. 26. 30. Clarendon, vol. i. p. 109.

f King's Decl. p. 32. Ruſhworth, vol. ii. p. 400.

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of Galloway was attacked in the ſtreets, and chaſed into the chamber where the privy council was ſitting. The council itſelf was beſieged and violently attacked: The town-council met with the ſame fate: And nothing could have ſaved the lives of all of them, but their application to ſome popular lords, who protected them, and diſperſed the multitude. In this ſedition, the actors were of ſome better condition than in the former; though nobody of rank ſeemed, as yet, to countenance them [g].

All men, however, began to unite and to encourage each other, in oppoſition to the religious innovations introduced into the kingdom. Petitions to the council were ſigned and preſented by perſons of the higheſt quality: The women took part, and, as was uſual, with violence: The clergy every where loudly declaimed againſt Popery and the liturgy, which they repreſented as the ſame: The pulpits reſounded with vehement invectives againſt antichriſt; And the populace, who firſt oppoſed the ſervice, was often compared to Balaam's aſs, an animal, in itſelf, ſtupid and ſenſeleſs, but whoſe mouth had been opened by the Lord to the admiration of the whole world [h]. In ſhort, fanaticiſm mingling with faction, private intereſt with the ſpirit of liberty, ſymptoms appeared, on all hands, of the moſt dangerous inſurrection and diſorder.

The primate, a man of wiſdom and prudence, who was all along averſe to the introduction of the liturgy, repreſented to the king the ſtate of the nation: The earl of Traquaire, the treaſurer, ſet out for London, in order to lay the matter more fully before him: Every circumſtance, whether the condition of England or of Scotland were conſidered, ſhould have engaged him to deſiſt from ſo hazardous an at-

g King's Decl. p. 35, 36, &c. Rushworth, vol. ii. p. 404.

h King's Decl. p. 31.

tempt;

tempt: Yet was Charles inflexible. In his whole conduct of this affair, there appear no marks of the good ſenſe with which he was endowed: A lively inſtance of that ſpecies of character, ſo frequently to be met with, where there are found parts and judgment in every diſcourſe and opinion; in many actions, indiſcretion and imprudence. Men's views of things are the reſult of their underſtanding alone: Their conduct is regulated by their underſtanding, their temper, and their paſſions. CHAP. LIII. 1637.

To ſo violent a combination of a whole kingdom, Charles had nothing to oppoſe but a proclamation; in which he pardoned all paſt offences, and exhorted the people to be more obedient for the future, and to ſubmit peaceably to the uſe of the liturgy. This proclamation was inſtantly encountered with a public proteſtation, preſented by the earl of Hume and lord Lindeſey: And this was the firſt time that men of quality had appeared in any violent act of oppoſition[j]. But this proved a criſis. The inſurrection, which had been advancing by a gradual and ſlow progreſs, now blazed up at once. No diſorder, however attended it. On the contrary, a new order immediately took place. Four *tables*, as they were called, were formed in Edinburgh. One conſiſted of nobility, another of gentry, a third of miniſters, a fourth of burgeſſes. The table of gentry was divided into many ſubordinate tables, according to their different counties. In the hands of the four tables, the whole authority of the kingdom was placed. Orders were iſſued by them, and every where obeyed, with the utmoſt regularity[k]. And among the firſt acts of their government was the production of the COVENANT. 1638. Feb. 19.

j King's Decl. p. 47, 48, &c. Guthry, p. 28. May, p. 37.

k Clarendon, vol. i. p. 111. Rushworth, vol. ii. p. 734.

This

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1638. The Covenant.

This famous covenant consisted first of a renunciation of Popery, formerly signed by James in his youth, and composed of many invectives, fitted to enflame the minds of men against their fellow-creatures, whom heaven has enjoined them to cherish and to love. There followed a bond of union, by which the subscribers obliged themselves to resist religious innovations, and to defend each other against all opposition whatsoever: And all this, for the greater glory of God, and the greater honour and advantage of their king and country[l]. The people, without distinction of rank or condition, of age or sex, flocked to the subscription of this covenant: Few, in their judgment disapproved of it; and still fewer durst openly condemn it. The king's ministers and counsellors themselves were, most of them, seized by the general contagion. And none but rebels to God, and traitors to their country, it was thought, would withdraw themselves from so salutary and so pious a combination.

The treacherous, the cruel, the unrelenting Philip, accompanied with all the terrors of a Spanish inquisition, was scarcely, during the preceding century, opposed in the Low Countries with more determined fury, than was now, by the Scots, the mild, the humane Charles, attended with his inoffensive liturgy.

June. The king began to apprehend the consequences. He sent the marquis of Hamilton, as commissioner, with authority to treat with the covenanters. He required the covenant to be renounced and recalled: And he thought, that on his part he had made very satisfactory concessions, when he offered to suspend the canons and the liturgy, till, in a fair and legal way, they could be received; and so to model the high commission, that it should no longer give offence to his subjects[m]. Such general declarations

l King's Decl. p. 57. 58. Rushworth, vol. ii. p. 734. May, p. 38.

m Rushworth, vol ii. p. 754. &c.

could

could not well give content to any, much leſs to those who carried ſo much higher their pretenſions. The Covenanters found themſelves ſeconded by the zeal of the whole nation. Above ſixty thouſand people were aſſembled in a tumultuous manner in Edinburgh and the neighbourhood. Charles poſſeſſed no regular forces in either of his kingdoms. And the diſcontents in England, though ſecret, were believed ſo violent, that the king, it was thought, would find it very difficult to employ in ſuch a cauſe the power of that kingdom. The more, therefore, the popular leaders in Scotland conſidered their ſituation, the leſs apprehenſion did they entertain of royal power, and the more rigorouſly did they inſiſt on entire ſatisfaction. In anſwer to Hamilton's demand of renouncing the covenant, they plainly told him, that they would ſooner renounce their baptiſm [n]. And the clergy invited the commiſſioner himſelf to ſubſcribe it, by informing him, "With what peace and "comfort it had filled the hearts of all God's peo"ple; what reſolutions and beginnings of reforma"tion of manners were ſenſibly perceived in all parts "of the nation, above any meaſure they had ever "before found or could have expected; how great "glory the Lord had received thereby; and what "confidence they had, that God would make Scot"land a bleſſed kingdom [o]."

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Hamilton returned to London: Made another fruitleſs journey, with new conceſſions, to Edinburgh: Returned again to London; and was immediately ſent back with ſtill more ſatisfactory conceſſions. The king was now willing entirely to aboliſh the canons, the liturgy, and the high-commiſſion court. He was even reſolved to limit extremely the power of the biſhops, and was content if, on any terms, he could retain that order in the church of Scotland [p]. And to enſure all theſe gracious offers,

Sept. 17.

n King's Decl. p. 87.
o Ibid. p. 88. Ruſh. vol. ii. p. 751.
p King's Decl. p. 137. Ruſh. vol. ii. p. 762.

he

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he gave Hamilton authority to ſummon firſt an aſſembly, then a parliament, where every national grievance might be redreſſed and remidied. Theſe ſucceſſive conceſſions of the king, which yet came ſtill ſhort of the riſing demands of the malcontents, diſcovered his own weakneſs, encouraged their inſolence, and gave no ſatisfaction. The offer, however, of an aſſembly and a parliament, in which they expected to be entirely maſters, was willingly embraced by the Covenanters.

Charles, perceiving what advantage his enemies had reaped from their covenant, reſolved to have a covenant on his ſide; and he ordered one to be drawn up for that purpoſe. It conſiſted of the ſame violent renunciation of Popery above mentioned; which, though the king did not approve of it, he thought it ſafeſt to adopt, in order to remove all the ſuſpicions entertained againſt him. As the Covenanters, in their bond of mutual defence againſt all oppoſition, had been careful not to except the king; Charles had formed a bond, which was annexed to this renunciation, and which expreſſed the duty and loyalty of the ſubſcribers to his majeſty [q]. But the Covenanters, perceiving that this new covenant was only meant to weaken and divide them, received it with the utmoſt ſcorn and deteſtation.—And without delay they proceeded to model the future aſſembly, from which ſuch great atchievements were expected [r].

A general aſſembly.

The genius of that religion which prevailed in Scotland, and which, every day, was ſecretly gaining ground in England, was far from inculcating deference and ſubmiſſion to the eccleſiaſtics, merely as ſuch: Or rather, by nouriſhing in every individual, the higheſt raptures and ecſtaſies of devotion, it conſecrated, in a manner, every individual, and in his own eyes, beſtowed a character on him, much ſuperior to what forms and ceremonious inſtitutions could

q King's Decl. p. 140, &c. r Ruſh. vol. ii. p. 774.

alone

alone confer. The clergy of Scotland, though ſuch tumult was excited about religious worſhip and diſcipline, were both poor, and in ſmall numbers; nor are they, in general, to be conſidered, at leaſt in the beginning, as the ringleaders of the ſedition, which was raiſed on their account. On the contrary, the laity, apprehending, from ſeveral inſtances, which occurred, a ſpirit of moderation in that order, reſolved to domineer entirely in the aſſembly, which was ſummoned, and to hurry on the eccleſiaſtics by the ſame furious zeal with which they were themſelves tranſported [s].

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It had been uſual, before the eſtabliſhment of Prelacy, for each preſbytery to ſend to the aſſembly, beſides two or three miniſters, one lay-commiſſioner [t]; and, as all the boroughs and univerſities ſent likewiſe commiſſioners, the lay members, in that eccleſiaſtical court, nearly equalled the eccleſiaſtics. Not only this inſtitution, which James, apprehenſive of zeal in the laity, had aboliſhed, was now revived by the Covenanters: They alſo introduced an innovation, which ſerved ſtill farther to reduce the clergy to ſubjection. By an edict of the tables, whoſe authority was ſupreme, an elder from each pariſh was ordered to attend the preſbytery, and to give his vote in the choice both of the commiſſioners and miniſters who ſhould be deputed to the aſſembly. As it is not uſual for the miniſters, who are put in the liſt of candidates, to claim a vote, all the elections, by that means, fell into the hands of the laity: The moſt furious of all ranks were choſen: And the more to overawe the clergy, a new device was fallen upon, of chuſing, to every commiſſioner, four or five

s King's Decl. p. 188, 189. Ruſh. vol. ii. p. 761.

t A preſbytery in Scotland is an inferior eccleſiaſtical court, the ſame that was afterwards called a Claſſis in England, and is compoſed of the clergy of the neighbouring pariſhes to the number commonly of between twelve and twenty.

lay-

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lay assessors, who, though they could have no vote, might yet interpose with their advice and authority in the assembly [u].

The assembly met at Glasgow: And, besides a great concourse of the people, all the nobility and gentry of any family or interest were present, either as members, assessors, or spectators; and it was apparent, that the resolutions taken by the Covenanters, could here meet with no manner of opposition. A firm determination had been entered into of utterly abolishing Episcopacy; and as a preparative to it, there was laid before the presbytery of Edinburgh, and solemnly read in all the churches of the kingdom, an accusation against the bishops, as guilty, all of them, of heresy, simony, bribery, perjury, cheating, incest, adultery, fornication, common swearing, drunkenness, gaming, breach of the sabbath, and every other crime that had occurred to the accusers [w]. The bishops sent a protest, declining the authority of the assembly; the commissioner too protested against that court, as illegally constituted and elected; and, in his majesty's name, dissolved it. This measure was foreseen, and little regarded. The court still continued to sit, and to finish their business [x].— All the acts of assembly, since the accession of James to the crown of England, were, upon pretty reasonable grounds, declared null and invalid. The acts of parliament, which affected ecclesiastical affairs, were supposed, on that very account, to have no manner of authority. And thus Episcopacy, the high commission, the articles of Perth, the canons, and the liturgy, were abolished and declared unlawful: And the whole fabric which James and Charles, in a long course of years, had been rearing with so much care and policy, fell at once to the ground. The co-

Episcopacy abolished.

u King's Decl. p. 190, 191. 290. Guthry, p. 39, &c.
w King's Decl. p. 218. Rush. vol. ii. p. 787.
x May, p. 44.

venant

venant likewiſe was ordered to be ſigned by every one, under pain of excommunication [y]. CHAP. LIII.

The independency of the eccleſiaſtical upon the civil power was the old Preſbyterian principle, which had been zealouſly adopted at the reformation, and which, though James and Charles had obliged the church publicly to diſclaim it, had ſecretly been adhered to by all ranks of people. It was commonly aſked, Whether Chriſt or the king were ſuperior? And as the anſwer ſeemed obvious, it was inferred, that the aſſembly, being Chriſt's council, was ſuperior, in all ſpiritual matters, to the parliament, which was only the king's. But as the Covenanters were ſenſible, that this conſequence, though it ſeemed to them irrefragable, would not be aſſented to by the king; it became neceſſary to maintain their religious tenets by military force, and not to truſt entirely to ſupernatural aſſiſtance, of which, however, they held themſelves well aſſured. They caſt their eyes on all ſides, abroad and at home, whence ever they could expect any aid or ſupport. 1639.

After France and Holland had entered into a league againſt Spain, and framed a treaty of partition, by which they were to conquer and to divide between them the Low Country provinces, England was invited to preſerve a neutrality between the contending parties, while the French and Dutch ſhould attack the maritime towns of Flanders. But the king replied to d'Eſtrades, the French ambaſſador, who opened the propoſal, that he had a ſquadron ready, and would croſs the ſeas, if neceſſary, with an army of 15,000 men, in order to prevent theſe projected conqueſts [z]. This anſwer, which proves that Charles, tho' he expreſſed his mind with an imprudent candour, had, at laſt, acquired a juſt idea of national intereſt,

y King's Decl. p. 317.

z Mem. d'Eſtrades, vol. i.

irritated

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irritated Cardinal Richlieu; and in revenge, that politic and enterprizing minister carefully fomented the first commotions in Scotland, and secretly supplied the Covenanters with money and arms, in order to encourage them in their opposition against their sovereign.

But the chief resource of the Scottish malcontents, was in themselves, and in their own vigour and abilities. No regular established commonwealth could take juster measures, or execute them with greater promptitude, than did this tumultuous combination, inflamed with bigotry for religious trifles, and faction without a reasonable object. The whole kingdom was, in a manner, engaged; and the men of greatest abilities soon acquired the ascendant, which their family interest enabled them to maintain. The earl of Argyle, though he long seemed to temporize, had, at last, embraced the covenant; and he became the chief leader of that party: A man equally supple and inflexible, cautious and determined, and entirely qualified to make a figure during a factious and turbulent period. The earls of Rothes, Cassils, Montrose, Lothian, the Lords Lindesey, Loudon, Yester, Balmerino, distinguished themselves in that party.

War.

Many Scotch officers had acquired reputation in the German wars, particularly under Gustavus; and these were invited over to assist their country in her present necessity. The command was entrusted to Lesley, a soldier of experience and abilities. Forces were regularly inlisted and disciplined. Arms were commissioned and imported from foreign countries. A few castles, which belonged to the king, being unprovided with victuals, ammunition, and garrisons, were soon seized. And the whole country, except a small part, where the marquis of Huntley still adhered to the king, being in the hands of the Covenanters, was, in a very little time, put in a tolerable posture of defence[a].

[a] May, p. 49.

The

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The fortifications of Leith were begun and carried on with great rapidity. Beſides the inferior ſort, and thoſe who laboured for pay, incredible numbers of volunteers, even noblemen and gentlemen, put their hand to the work, and deemed the moſt abject employment to be dignified by the ſanctity of the cauſe. Women too, of rank and condition, forgetting the delicacy of their ſex, and the decorum of their character, were intermingled with the loweſt rabble, and carried on their ſhoulders the rubbiſh requiſite for completing the fortifications [c].

We muſt not omit another auxiliary of the Covenanters, and no inconſiderable one: a propheteſs, who was much followed and admired by all ranks of people. Her name was Michelſon; a woman full of whimſies, partly hyſterical, partly religious; and inflamed with a zealous concern for the eccleſiaſtical diſcipline of the Preſbyterians. She ſpoke at certain times only, and had often interruptions of days and weeks: But when ſhe began to renew her ecſtaſies, warning of the happy event was conveyed over the whole country, thouſands crowded about her houſe, and every word which ſhe uttered was received with veneration, as the moſt ſacred oracles. The covenant was her perpetual theme. The true, genuine covenant, ſhe ſaid, was ratified in heaven. The king's covenant was an invention of Satan. When ſhe ſpoke of Chriſt, ſhe uſually gave him the name of the covenanting Jeſus. Rollo, a popular preacher, and zealous covenanter, was her great favourite; and paid her, on his part, no leſs veneration. Being deſired by the ſpectators to pray with her, and ſpeak to her, he anſwered, "That he durſt not; and that "it would be ill manners in him to ſpeak, while his "Maſter, Chriſt, was ſpeaking in her [d]."

c Guthry's Memoirs, p. 46.
d King's Declaration at large, p. 227. Burnet's Memoirs of Hamilton.

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Charles had agreed to reduce Epiſcopal authority ſo much, that it would no longer have been of any ſervice to ſupport the crown; and this ſacrifice of his own intereſts he was willing to make, in order to obtain public peace and tranquillity. But he could not conſent entirely to aboliſh an order which he thought as eſſential to the being of a Chriſtian church, as his Scottiſh ſubjects deemed it incompatible with that ſacred inſtitution. This narrowneſs of mind, if we would be impartial, we muſt either blame or excuſe equally on both ſides; and thereby anticipate, by a little reflection, that judgment which time, by introducing new ſubjects of controverſy, will undoubtedly render quite familiar to poſterity.

So great was Charles's averſion to violent and ſanguinary meaſures, and ſo ſtrong his affection to his native kingdom, that, it is probable, the conteſt in his breaſt would be nearly equal between theſe laudable paſſions, and his attachment to the hierarchy. The latter affection, however, prevailed for the time, and made him haſten thoſe military preparations which he had projected for ſubduing the refractory ſpirit of the Scottiſh nation. By regular œconomy, he had not only paid all the debts contracted during the Spaniſh and French wars, but had amaſſed a ſum of two hundred thouſand pounds, which he reſerved for any ſudden exigency. The queen had great intereſt with the Catholics, both from the ſympathy of religion, and from the favours and indulgences which ſhe had been able to procure to them. She now employed her credit, and perſuaded them, that it was reaſonable to give large contributions, as a mark of their duty to the king, during this urgent neceſſity[e]. A conſiderable ſupply was obtained by this means; to the great ſcandal of the Puritans, who were offended at ſeeing the king on ſuch good terms

e Ruſh. vol. iii. p. 1329. Franklyn, p. 767.

with

with the Papiſts, and repined, that others ſhould give what they themſelves were diſpoſed to refuſe him. CHAP. LIII.

Charles's fleet was formidable and well ſupplied. Having put 5000 land-forces on board, he entruſted it to the marquis of Hamilton, who had orders to ſail to the frith of Forth, and to cauſe a diverſion in the forces of the malcontents. An army was levied of near 20,000 foot, and above 3000 horſe, and was put under the command of the earl of Arundel, a nobleman of great family, but celebrated neither for military nor political abilities. The earl of Eſſex, a man of ſtrict honour, and extremely popular, eſpecially among the ſoldiery, was appointed lieutenant-general: The earl of Holland was general of the horſe. The king himſelf joined the army, and he ſummoned all the peers of England to attend him. The whole had the appearance of a ſplendid court, rather than of a military armament; and in this ſituation, carrying more ſhow than real force with it, the camp arrived at Berwick [f]. 1639. 29th May.

The Scottiſh army was as numerous as that of the king, but inferior in cavalry. The officers had more reputation and experience; and the ſoldiers, though undiſciplined and ill-armed, were animated as well by the national averſion to England, and the dread of becoming a province to their old enemy, as by an unſurmountable fervour of religion. The pulpits had extremely aſſiſted the officers in levying recruits, and had thundered out anathemas againſt all thoſe *who went not out to aſſiſt the Lord againſt the mighty* [g]. Yet ſo prudent were the leaders of the malcontents, that they immediately ſent ſubmiſſive meſſages to the king, and craved to be admitted to a treaty.

[f] Clarendon, vol. i. p. 115, 116, 117. [g] Burnet's Memoirs of Hamilton.

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Charles knew that the force of the Covenanters was conſiderable, their ſpirits high, their zeal furious; and that, as they were not yet daunted by any ill ſucceſs, no reaſonable terms could be expected from them. With regard therefore to a treaty, great difficulties occurred on both ſides. Should he ſubmit to the pretenſions of the malcontents, beſides that the prelacy muſt be ſacrificed to their religious prejudices, ſuch a check would be given to royal authority, which had, very lately, and with much difficulty, been thoroughly eſtabliſhed in Scotland, that he muſt expect, ever after, to retain, in that kingdom, no more than the appearance of majeſty. The great men, having proved, by ſo ſenſible a trial, the impotence of law and prerogative, would return to their former licentiouſneſs: The preachers would retain their innate arrogance: And the people, unprotected by juſtice, would recognize no other authority than that which they found to domineer over them. England alſo, it was much to be feared, would imitate ſo bad an example; and having already a ſtrong propenſity towards republican and puritanical factions, would expect, by the ſame ſeditious practices, to attain the ſame indulgence. To advance ſo far, without bringing the rebels to a total ſubmiſſion, at leaſt to reaſonable conceſſions, was to promiſe them, in all future time, an impunity for rebellion.

On the other hand, Charles conſidered that Scotland was never before, under any of his anceſtors, ſo united, and ſo animated in its own defence; yet had often been able to foil or elude the force of England, combined heartily in one cauſe, and enured by long practice to the uſe of arms. How much greater difficulty ſhould he find, at preſent, to ſubdue, by violence, a people inflamed with religious prejudices; while he could only oppoſe to them a nation enervated by long peace, and lukewarm in his

his ſervice; or, what was more to be dreaded, ma- CHAP. LIII.
ny of them engaged in the ſame party with the re- 1639.
bels [h]. Should the war be only protracted beyond a campaign (and who could expect to finiſh it in that period?) his treaſures would fail him; and, for ſupply, he muſt have recourſe to an Engliſh Parliament, which, by fatal experience, he had ever found more ready to incroach on the prerogatives, than to ſupply the neceſſities of the crown. And what if he receive a defeat from the rebel army? This misfortune was far from being impoſſible. They were engaged in a national cauſe, and ſtrongly actuated by miſtaken principles. His army was retained entirely by pay, and looked on the quarrel with the ſame indifference which naturally belongs to mercenary troops, without poſſeſſing the diſcipline by which ſuch troops are commonly diſtinguiſhed. And the conſequences of a defeat, while Scotland was enraged and England diſcontented, were ſo dreadful, that no motive ſhould perſuade him to hazard it.

It is evident that Charles had fallen into ſuch a ſituation, that, whichever ſide he embraced, his errors muſt be dangerous: No wonder, therefore, he was in great perplexity. But he did worſe than embrace the worſt ſide: For, properly ſpeaking, he embraced no ſide at all. He concluded a ſudden pacification, in which it was ſtipulated, that he ſhould withdraw his fleet and army; that, within eight and forty hours, the Scots ſhould diſmiſs their forces; that the king's forts ſhould be reſtored to him, his authority be acknowledged, and a general aſſembly and a parliament be immediately ſummoned in order to compoſe all differences [i]. What were the *reaſons* which engaged the king to admit ſuch ſtrange articles of peace it is in vain to enquire: For there

h Ruſh. vol. iii. p. 936.

i Ibid. p. 945.

CHAP. LIII. 1639.

ſcarcely could be any. The *cauſes* of that event may admit of a more eaſy explication.

The malcontents had been very induſtrious in repreſenting to the Engliſh the grievances under which Scotland laboured, and the ill counſels which had been ſuggeſted to their ſovereign. Their liberties, they ſaid, were invaded: The prerogatives of the crown extended beyond all former precedent: Illegal courts erected, the hierarchy exalted at the expence of national privileges, and ſo many new ſuperſtitions introduced by the haughty tyrannical prelates as begat a juſt ſuſpicion that a project was ſeriouſly formed for the reſtoration of Popery. The king's conduct, ſurely, in Scotland, had been, in every thing, except in eſtabliſhing the eccleſiaſtical canons, more legal than in England; yet was there ſuch a general reſemblance in the complaints of both kingdoms, that the Engliſh readily aſſented to all the repreſentations of the Scottiſh malcontents, and believed that nation to have been driven by oppreſſion into the violent counſels which they had embraced. So far, therefore, from being willing to ſecond the king in ſubduing the free ſpirit of the Scots, they rather pitied that unhappy people who had been puſhed to thoſe extremities; and they thought that the example of ſuch neighbours, as well as their aſſiſtance, might ſome time be advantageous to England, and encourage her to recover, by a vigorous effort, her violated laws and liberties. The gentry and nobility, who, without attachment to the court, without command in the army, attended in great numbers the Engliſh camp, greedily ſeized, and propagated, and gave authority to theſe ſentiments: A retreat, very little honourable, which the earl of Holland, with a conſiderable detachment of the Engliſh forces, had made before a detachment of the Scottiſh, cauſed all theſe humours to blaze up at once; and

the

the king, whose character was not sufficiently vigorous or decisive, and who was apt, from facility, to embrace hasty counsels, suddenly assented to a measure which was recommended by all about him, and which favoured his natural propension towards the misguided subjects of his native kingdom [k]. CHAP. LIII. 1639.

Charles, having so far advanced in pacific measures, ought, with a steady resolution, to have prosecuted them, and have submitted to every tolerable condition demanded by the assembly and parliament; nor should he have recommenced hostilities, but on account of such enormous and unexpected pretensions, as would have justified his cause, if possible, to the whole English nation. So far, indeed, he adopted this plan, that he agreed, not only to confirm his former concessions, of abrogating the canons, the liturgy, the high commission, and the articles of Perth, but also to abolish the order itself of bishops, for which he had so zealously contended [l]. But this concession was gained by the utmost violence which he could impose on his disposition and prejudices: He even secretly retained an intention of seizing favourable opportunities, in order to recover the ground which he had lost [m]. And one step farther he could not prevail with himself to advance. The assembly, when it met, paid no deference to the king's prepossessions, but gave full indulgence to their own. They voted Episcopacy to be unlawful Aug. 17. in the church of Scotland: He was willing to allow it contrary to the constitutions of that church. They stigmatized the liturgy and canons as Popish: He agreed simply to abolish them. They denominated the high commission tyranny: He was content to set it aside [n]. The parliament, which sat after the assembly, advanced pretensions which tended to diminish the

k Clarendon, vol. i. p. 122, 123. May p. 46.
l Rush. vol. iii. p. 946.
m Burnet's Memoirs, p. 154. Rush. vol. iii. p. 951.
n Idem, ibid. p. 958, &c.

CHAP. LIII.

1639.

civil power of the monarch; and, what probably affected Charles ſtill more, they were proceeding to ratify the acts of aſſembly, when, by the king's inſtructions [o], Traquaire, the commiſſioner, prorogued them. And on account of theſe claims, which might have been foreſeen, was the war renewed, with great advantages on the ſide of the Covenanters, and diſadvantages on that of the king.

War renewed.

No ſooner had Charles concluded the pacification without conditions, than the neceſſity of his affairs, and his want of money, obliged him to diſband his army; and, as the ſoldiers had been held together ſolely by mercenary views, it was not poſſible, without great trouble and expence, and loſs of time, again to aſſemble them. The more prudent Covenanters had concluded, that their pretenſions being ſo contrary to the intereſts, and ſtill more to the inclinations of the king, it was likely that they ſhould again be obliged to ſupport their cauſe by arms; and they were therefore careful, in diſmiſſing their troops, to preſerve nothing but the appearance of a pacific diſpoſition. The officers had orders to be ready on the firſt ſummons. The ſoldiers were warned not to think the nation ſecure from an Engliſh invaſion. And the religious zeal which animated all ranks of men, made them immediately fly to their ſtandards as ſoon as the trumpet was ſounded by their ſpiritual and temporal leaders. The credit which in their laſt expedition they had acquired, by obliging their ſovereign to depart from all his pretenſions, gave courage to every one in undertaking this new enterprize [p].

1640. April 13.

The king, with great difficulty, found means to draw together an army; but ſoon diſcovered, that,

o Ruſh. vol. iii. p. 955. p Clarendon, vol. i. p. 125. Ruſh. vol. iii. p. 1023.

all

all ſavings being gone, and great debts contracted, his revenue would be inſufficient to ſupport them. An Engliſh Parliament, therefore, formerly ſo unkind and intractable, muſt now, after above eleven years intermiſſion, after the king had tried many irregular methods of taxation, after multiplied diſguſts given to the Puritanical party, be ſummoned to aſſemble, amidſt the moſt preſſing neceſſities of the crown.

CHAP. LIII. 1640. 4th Engliſh parliament.

As the king reſolved to try whether this houſe of commons would be more compliant than their predeceſſors, and grant him ſupply on any reaſonable terms; the time appointed for the meeting of parliament was late, and very near the time allotted for opening the campaign againſt the Scots. After the paſt experience of their ill humour, and of their incroaching diſpoſition, he thought that he could not, in prudence, truſt them with a long ſeſſion, till he had ſeen ſome better proofs of their good intentions. The urgency of the occaſion, and the little time allowed for debate, were reaſons which he reſerved againſt the malcontents in the houſe; and an incident had happened which, he believed, had now furniſhed him with ſtill more cogent arguments.

The earl of Traquaire had intercepted a letter written to the king of France by the Scottiſh malcontents; and had conveyed this letter to the king. Charles, partly repenting of the large conceſſions made to the Scots, partly diſguſted at their freſh inſolence and pretenſions, ſeized this opportunity of breaking with them. He had thrown into the Tower Lord Loudon, commiſſioner from the Covenanters, one of the perſons who had ſigned the treaſonable letter [q]. And he now laid the matter before the Parliament, whom he hoped to inflame by the reſentment, and alarm by the danger, of this application to a foreign power. By the mouth of the Lord Keeper, Finch, he diſcovered his wants, and informed them, that he had

q Clarendon, vol. i. p. 129. Ruſh. vol. iii. p. 956. May, p. 56.

been

CHAP. LIII. 1640.

been able to assemble his army, and to subsist them, not by any revenue which he possessed, but by means of a large debt of above 300,000 l. which he had contracted, and for which he had given security upon the crown-lands. He represented, that it was necessary to grant supplies for the immediate and urgent demands of his military armaments: That the season was far advanced, the time precious, and none of it must be lost in deliberation: That though his coffers were empty, they had not been exhausted by unnecessary pomp, or sumptuous buildings, or any other kind of magnificence: That whatever supplies had been levied on his subjects, had been employed for their advantage and preservation, and like vapours rising out of the earth, and gathered into a cloud, had fallen in sweet and refreshing showers on the same fields from which they had at first been exhaled: That though he desired such immediate assistance as might prevent for the time, a total disorder in the government, he was far from any intention of precluding them from their right to enquire into the state of the kingdom, and to offer him petitions for the redress of their grievances: That as much as was possible of this season should afterwards be allowed them for that purpose: That as he expected only such supply at present as the current service necessarily required, it would be requisite to assemble them again next winter, when they should have full leisure to conclude whatever business had this session been left imperfect and unfinished: That the parliament of Ireland had twice put such trust in his good intentions as to grant him, in the beginning of the session, a large supply, and had ever experienced good effects from the confidence reposed in him: And that, in every circumstance, his people should find his conduct suitable to a just, pious, and gracious king, and such as was calculated to promote an entire harmony between prince and parliament[r].

[r] Rush. vol. iii. p. 1114.

However

CHAP. LIII. 1642.

However plauſible theſe topics, they made ſmall impreſſion on the houſe of commons. By ſome illegal, and ſeveral ſuſpicious meaſures of the crown, and by the courageous oppoſition which particular perſons, amidſt dangers and hardſhips, had made to them; the minds of men throughout the nation had taken ſuch a turn as to aſcribe every honour to the refractory oppoſers of the king and the miniſters. Theſe were the only patriots, the only lovers of their country, the only heroes, and, perhaps too, the only true Chriſtians. A reaſonable compliance with the court was ſlaviſh dependence; a regard to the king, ſervile flattery; a confidence in his promiſes, ſhameful proſtitution. This general caſt of thought, which has, more or leſs, prevailed in England, during near a century and a half, and which has been the cauſe of much good and much ill in public affairs, never predominated more than during the reign of Charles. The preſent houſe of commons being entirely compoſed of country gentlemen, who came into parliament with all their native prejudices about them, and whom the crown had no means of influencing, could not fail to contain a majority of theſe ſtubborn patriots.

Affairs likewiſe, by means of the Scottiſh inſurrection, and the general diſcontents in England, were drawing ſo near to a criſis, that the leaders of the houſe, ſagacious and penetrating, began to foreſee the conſequences, and to hope, that the time ſo long wiſhed for, was now come, when royal authority muſt fall into a total ſubordination under popular aſſemblies, and when public liberty muſt acquire a full aſcendant. By reducing the crown to neceſſities, they had hitherto found, that the king had been puſhed into violent counſels, which had ſerved extremely the purpoſes of his adverſaries: And by multiplying theſe neceſſities, it was foreſeen, that his prerogative, undermined on all ſides, muſt, at laſt, be overthrown, and be no longer dangerous to the privileges

CHAP. LIII. 1640.

vileges of the people. Whatever, therefore, tended to compose the differences between king and parliament, and to preserve the government uniformly in its present channel, was zealously opposed by these popular leaders; and their past conduct and sufferings gave them credit sufficient to effect all their purposes.

The house of commons, moved by these and many other obvious reasons, instead of taking notice of the king's complaints against his Scottish subjects, or his applications for supply, entered immediately upon grievances; and a speech, which Pym made them on that subject, was much more hearkened to than that which the lord keeper had delivered to them in the name of their sovereign. The subject of Pym's harangue has been sufficiently explained above; where we gave an account of all the grievances imaginary in the church, more real in the state, of which the nation at that time so loudly complained [s]. The house began with examining the behaviour of the speaker the last day of the former parliament; when he refused, on account of the king's command, to put the question: And they declared it a breach of privilege. They proceeded next to enquire into the imprisonment and prosecution of Sir John Elliot, Hollis, and Valentine [t]: The affair of ship-money was canvassed: And plentiful subject of enquiry was suggest on all hands. Grievances were regularly classed under three heads; those with regard to privileges of parliament, to the property of the subject, and to religion [u]. The king, seeing a large and inexhaustible field opened, pressed them again for supply; and finding his message ineffectual, he came to the house of peers, and desired their good offices with the commons. The peers were sensible of the king's urgent necessities; and thought that supply on this occasion, ought, both in reason and in decency,

s Clarendon, vol. i. p. 133. Rush. vol. iii. p. 1131. May, p. 60.

t Rush. vol. iii. p. 1136.

u Idem, ibid. p. 1147.

to

to go before grievances. They ventured to repre- CHAP. LIII.
ſent their ſenſe of the matter to the commons; but 1640.
their interceſſion did harm. The commons had always claimed, as their peculiar province, the granting of ſupplies; and, though the peers had here gone no farther than offering advice, the lower houſe immediately thought proper to vote ſo unprecedented an interpoſition to be a breach of privilege[w]. Charles, in order to bring the matter of ſupply to ſome iſſue, ſolicited the houſe by new meſſages: And finding that ſhip-money gave great alarm and diſguſt, beſides informing them, that he never intended to make a conſtant revenue of it, that all the money levied had been regularly, with other great ſums, expended on equipping the navy; he now went ſo far as to offer them a total abolition of that obnoxious claim, by any law which the commons ſhould think proper to preſent to him. In return, he only aſked for his neceſſities, a ſupply of twelve ſubſidies, about ſix hundred thouſand pounds, and that payable in three years; but, at the ſame time, he let them know, that conſidering the ſituation of his affairs, a delay would be equivalent to a denial[x]. The king, though the majority was againſt him, never had more friends in any houſe of commons; and the debate was carried on for two days with great zeal and warmth on both ſides.

It was urged by the partizans of the court, that the happieſt occaſion which the fondeſt wiſhes could ſuggeſt, was now preſented, for removing all diſguſts and jealouſies between king and people, and for reconciling their ſovereign for ever to the uſe of parliaments: That if they, on their part, laid aſide all enormous claims and pretenſions, and provided in a reaſonable manner for the public neceſſities; they needed entertain no ſuſpicion of any inſatiable ambition or illegal uſurpation in the crown: That tho' due regard had not always been paid during this

w Clarendon, vol. i. p. 134.
x Clarendon, vol. i. p. 135. Ruſh. vol. iii. p. 1154.

reign,

CHAP. LIII. 1640.

reign, to the rights of the people, yet no invaſion of them had been altogether deliberate and voluntary; much leſs, the reſult of wanton tyranny and injuſtice; and ſtill leſs, of a formed deſign to ſubvert the conſtitution: That to repoſe a reaſonable confidence in the king, and generouſly to ſupply his preſent wants, which proceeded neither from prodigality nor miſconduct, would be the true means of gaining on his generous nature, and extorting, by gentle violence, ſuch conceſſions as were requiſite for the eſtabliſhment of public liberty: That he had promiſed, not only on the word of a prince, but alſo on that of a gentleman (the expreſſion which he had been pleaſed to uſe) that, after the ſupply was granted, the parliament ſhould ſtill have liberty to continue their deliberations: Could it be ſuſpected, that any man, any prince, much leſs ſuch a one, whoſe word was as yet ſacred and inviolate, would for ſo ſmall a motive, forfeit his honour, and with it, all future truſt and confidence, by breaking a promiſe ſo public and ſo ſolemn? That even if the parliament ſhould be deceived in repoſing this confidence in him, they neither loſt any thing, nor incurred any danger; ſince it was evidently neceſſary, for the ſecurity of public peace, to ſupply him with money, in order to ſuppreſs the Scottiſh rebellion: That he had ſo far ſuited his firſt demands to their prejudices, that he only aſked a ſupply for a few months, and was willing, after ſo ſhort a truſt from them, to fall again into dependence, and to truſt them for his farther ſupport and ſubſiſtence: That if he now ſeemed to deſire ſomething farther, he alſo made them in return, a conſiderable offer, and was willing, for the future, to depend on them for a revenue, which was quite neceſſary for public honour and ſecurity: That the nature of the Engliſh conſtitution ſuppoſed a mutual confidence between king and parliament; and if they ſhould refuſe it on their part, eſpecially with circumſtances

ſtances of ſuch outrage and indignity, what could be expected but a total diſſolution of government, and violent factions, followed by the moſt dangerous convulſions and inteſtine diſorders? CHAP. LIII. 1640.

In oppoſition to theſe arguments, it was urged by the malcontent party, That the court had diſcovered, on their part, but few ſymptoms of that mutual confidence to which they now ſo kindly invited the commons. That eleven years intermiſſion of parliaments, the longeſt that was to be found in the Engliſh annals, was a ſufficient indication of the jealouſy entertained againſt the people; or rather of deſigns formed for the ſuppreſſion of all their liberties and privileges: That the miniſters might well plead neceſſity, nor could any thing, indeed, be a ſtronger proof of ſome invincible neceſſity, than their embracing a meaſure for which they had conceived ſo violent an averſion, as the aſſembling of an Engliſh parliament: That this neceſſity, however, was purely miniſterial, not national: And if the ſame grievances, eccleſiaſtical and civil, under which this nation itſelf laboured, had puſhed the Scots to extremities; was it requiſite that the Engliſh ſhould forge their own chains, by impoſing chains on their unhappy neighbours? That the ancient practice of parliament was to give grievances the precedency of ſupply; and this order, ſo carefully obſerved by their anceſtors, was founded on a jealouſy inherent in the conſtitution, and was never interpreted as any peculiar diffidence of the preſent ſovereign: That a practice, which had been upheld, during times the moſt favourable to liberty, could not, in common prudence, be departed from, where ſuch undeniable reaſons for ſuſpicion had been afforded: That it was ridiculous to plead the advanced ſeaſon, and the urgent occaſion for ſupply; when it plainly appeared, that, in order to afford a pretence for this topic, and to ſeduce the commons, great political contrivance had been

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been employed: That the writs for elections were iſſued early in the winter; and if the meeting of parliament had not purpoſely been delayed till ſo near the commencement of military operations, there had been leiſure ſufficient to have redreſſed all national grievances, and to have proceeded afterwards to an examination of the king's occaſion for ſupply: That the intention of ſo groſs an artifice was to engage the commons, under pretence of neceſſity, to violate the regular order of parliament; and a precedent of that kind being once eſtabliſhed, no inquiry into public meaſures would afterwards be permitted: That ſcarcely any argument more unfavourable could be pleaded for ſupply, than an offer to aboliſh ſhip-money; a taxation, the moſt illegal and the moſt dangerous that had ever in any reign been impoſed upon the nation: And that, by bargaining for the remiſſion of that duty, the commons would in a manner ratify the authority by which it had been levied, at leaſt give encouragement for advancing new pretenſions of a like nature, in hopes of reſigning them on like advantageous conditions.

Theſe reaſons, joined to ſo many occaſions of ill humour, ſeemed to ſway with the greater number: But, to make the matter worſe, Sir Harry Vane, the Secretary, told the commons, without any authority from the king, that nothing leſs than twelve ſubſidies would be accepted as a compenſation for the abolition of ſhip-money. This aſſertion, proceeding from the indiſcretion, if we are not rather to call it the treachery of Vane, diſpleaſed the houſe, by ſhowing a ſtiffneſs and rigidity in the king, which, in a claim ſo ill grounded, was deemed inexcuſeable [y]. We are informed likewiſe, that ſome men, who were thought to underſtand the ſtate of the nation, affirmed in the houſe, that the amount of twelve ſubſidies was

[y] Clarendon, vol. i. p. 138.

a greater

a greater ſum than could be found in all England. Such were the happy ignorance and inexperience of thoſe times with regard to taxes[a]. CHAP. LIII. 1640.

The king was in great doubt and perplexity. He ſaw, that his friends in the houſe were outnumbered by his enemies, and that the ſame counſels were ſtill prevalent, which had ever bred ſuch oppoſition and diſturbance. Inſtead of hoping that any ſupply would be granted him to carry on war againſt the Scots, whom the majority of the houſe regarded as their beſt friends and firmeſt allies; he expected every day that they would preſent him an addreſs for making peace with thoſe rebels. And if the houſe met again, a vote, he was informed, would certainly paſs, to blaſt his revenue of ſhip-money; and thereby renew all the oppoſition which, with ſo much difficulty, he had ſurmounted, in levying that taxation. Where great evils lie on all ſides, it is difficult to follow the beſt counſel; nor is it any wonder that the king, whoſe capacity was not equal to ſituations of ſuch extreme delicacy, ſhould haſtily have formed and executed the reſolution of diſſolving this parliament: A meaſure, however, of which he ſoon after repented, and which the ſubſequent events, more than any convincing reaſon, inclined every one to condemn. The laſt parliament, which ended with ſuch rigour and violence, had yet, at firſt covered their intentions with greater appearance of moderation than this parliament had hitherto aſſumed. Diſſolution.

An abrupt and violent diſſolution naturally excites diſcontents among the people, who uſually put entire confidence in their repreſentatives, and expect from them the redreſs of all grievances. As if there were not already ſufficient grounds of complaint, the king perſevered ſtill in thoſe counſels, which, from expe-

[a] Clarendon, vol. i. p. 136.

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rience, he might have been ſenſible, were ſo dangerous and unpopular. Bellaſis and Sir John Hotham were ſummoned before the council; and refuſing to give any account of their conduct in parliament, were committed to priſon. All the petitions and complaints, which had been ſent to the committee of religion, were demanded from Crew, chairman of that committee; and on his refuſal to deliver them, he was ſent to the Tower. The ſtudies, and even the pockets of the earl of Warwic and lord Broke, before the expiration of privilege, were ſearched, in expectation of finding treaſonable papers. Theſe acts of authority were interpreted, with ſome appearance of reaſon, to be invaſions of the rights on national aſſemblies [b]. But the king, after the firſt provocation which he met with, never ſufficiently reſpected the privileges of parliament; and, by his example, he farther confirmed the reſolution, when they ſhould acquire power, to pay like diſregard to the prerogatives of the crown.

Though the parliament was diſſolved, the convocation was ſtill allowed to ſit; a practice, of which, ſince the reformation, there were but few inſtances [c], and which was for that reaſon ſuppoſed by many to be irregular. Beſides granting to the king a ſupply from the ſpirituality, and framing many canons, the convocation, jealous of like innovations with thoſe which had taken place in Scotland, impoſed an oath on the clergy, and the graduates in the univerſities, by which every one ſwore to maintain the eſtabliſhed government of the church by archbiſhops, biſhops, deans, chapters, &c [d]. Theſe ſteps, in the preſent diſcontented humour of the nation, were commonly deemed illegal, becauſe not ratified by conſent of par-

b Ruſh. vol. iii. p. 1167. May, p. 61.

c There was one in 1586. See Hiſtory of Archbiſhop Laud, p. 80. The authority of the convocation was indeed, in moſt reſpects, independent of the parliament, and there was no reaſon, which required the one to be diſſolved upon the diſſolution of the other.

d Whitlocke, p. 33.

liament,

liament, in whom all authority wes now ſuppoſed to be centered. And nothing, beſides, could afford more ſubject of ridicule, than an oath, which contained an *et cætera* in the midſt of it. CHAP. LIII. 1640.

The people, who generally abhorred the convocation as much as they revered the parliament, could ſcarcely be reſtrained from inſulting and abuſing this aſſembly; and the king was obliged to give them guards, in order to protect them[e]. An attack too was made during the night upon Laud in his palace of Lambeth, by above 500 perſons; and he found it neceſſary to fortify himſelf for his defence[f]. A multitude, conſiſting of two thouſand ſectaries, entered St Paul's, where the high commiſſion then ſat; tore down the benches, and cried out, *No biſhop, no high commiſſion*[g]. All theſe inſtances of diſcontent were preſages of ſome great revolution; had the court poſſeſſed ſufficient ſkill to diſcern the danger, or ſufficient power to provide againſt it. Diſcontents in England.

In this diſpoſition of men's minds, it was in vain that the king iſſued a declaration, in order to convince his people of the neceſſity which he lay under of diſſolving the laſt parliament[h]. The chief topic on which he inſiſted was, that the commons imitated the bad example of all their predeceſſors of late years, in making continual encroachments on his authority, in cenſuring his whole adminiſtration and conduct, in diſcuſſing every circumſtance of public government, and in their indirect bargaining and contracting with their king for ſupply; as if nothing ought to be given him but what he ſhould purchaſe, either by quitting ſomewhat of his royal prerogative, or by diminiſhing and leſſening his ſtanding revenue. Theſe practices, he ſaid, were contrary to the maxims of

e Whitlocke, p. 33.
f Dugdale, p. 62. Clarendon, vol. i. p. 143.
g Dugdale, p. 65.
h Ruſhworth, vol. iii. p. 1166.

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their anceſtors; and theſe practices were totally incompatible with monarchy [i].

The king, diſappointed of parliamentary ſubſidies, was obliged to have recourſe to other expedients, in order to ſupply his urgent neceſſities. The eccleſiaſtical ſubſidies ſerved him in ſome ſtead; and it ſeemed but juſt, that the clergy ſhould contribute to a war, which was, in a great meaſure, of their own raiſing [k]. He borrowed money from his miniſters and courtiers; and ſo much was he beloved among them, that above 300,000 pounds were ſubſcribed in a few days: Though nothing ſurely could be more diſagreeable to a prince, full of dignity, than to be a burden to his friends, inſtead of being a ſupport to them. Some attempts were made towards forcing a loan from the citizens; but ſtill repelled by the ſpirit of liberty, which was now become unconquerable [l]. A loan of 40,000 pounds was extorted from the Spaniſh merchants, who had bullion in the Tower, expoſed to the attempts of the king. Coat and conduct-money for the ſoldiery was levied in the counties; an ancient practice [m], but ſuppoſed to be aboliſhed by the petition of right. All the pepper was bought from the Eaſt-India company upon truſt, and ſold, at a great diſcount, for ready money [n]. A ſcheme was propoſed for coining two or three hundred thouſand pounds of baſe money [o]. Such were the extremities to which Charles was reduced. The freſh difficulties which, amidſt the preſent diſtreſſes were every day raiſed, with regard to the payment of ſhip-money, obliged him to exert continual acts of authority, augmented the diſcontents of the people, and encreaſed his indigence and neceſſities [p].

i See note [Z] at the end of the volume.
k May, p. 48.
l Ruſh. vol. iii. p. 1181.
m Idem, vol. i. p. 168.
n May, p. 63.
o Ruſh. vol. iii. p. 1216. May, p. 63.
p Ruſh. vol. iii. p. 1173. 1182. 1184. 1199. 1200. 1203. 1204.

The

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1640.

The preſent expedients, however, enabled the king, though with great difficulty, to march his army, conſiſting of 19,000 foot and 2000 horſe[q]. The earl of Northumberland was appointed general: The earl of Strafford, who was called over from Ireland, lieutenant general: Lord Conway, general of the horſe. A ſmall fleet was thought ſufficient to ſerve the purpoſes of this expedition.

So great are the effects of zeal and unanimity, that the Scottiſh army, though ſomewhat ſuperior, were ſooner ready than the king's; and they marched to the borders of England. To engage them to proceed, beſides their general knowledge of the ſecret diſcontents of that kingdom, Lord Saville had forged a letter, in the name of ſix noblemen the moſt conſiderable of England, by which the Scots were invited to aſſiſt their neighbours, in procuring a redreſs of grievances[r]. Notwithſtanding theſe warlike preparations and hoſtile attempts, the Covenanters ſtill preſerved the moſt pathetic and moſt ſubmiſſive language; and entered England, they ſaid, with no other view, than to obtain acceſs to the king's preſence, and lay their humble petition at his royal feet. Aug. 20. At Newburn upon Tyne, they were oppoſed by a detachment of 4500 men under Conway, who ſeemed reſolute to diſpute with them the paſſage of the river. The Scots firſt entreated them, with great civility, not to ſtop them in their march to their gracious ſovereign; and then attacked them with great bravery, killed ſeveral, and chaſed the reſt from their ground. Such a panic ſeized the whole Engliſh army, that the forces at Newcaſtle fled immediately to Durham; and not yet thinking themſelves ſafe, they deſerted that town, and retreated into Yorkſhire[s]. Aug. 28. Rout at Newburn.

q Ruſh. vol. iii. p. 1279.
r Nalſon, vol. ii. p. 427.
s Clarendon, vol. i. p. 143.

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The Scots took poſſeſſion of Newcaſtle; and tho' ſufficiently elated with their victory, they preſerved exact diſcipline, and perſevered in their reſolution of paying for every thing, in order ſtill to maintain the appearance of an amicable correſpondence with England. They alſo diſpatched meſſengers to the king, who was arrived at York; and they took care, after the advantage which they had obtained, to redouble their expreſſions of loyalty, duty, and ſubmiſſion to his perſon; and they even made apologies, full of ſorrow and contrition, for their late victory [t].

Charles was in a very diſtreſſed condition. The nation was univerſally and highly diſcontented. The army was diſcouraged, and began likewiſe to be diſcontented, both from the contagion of general diſguſt, and as an excuſe for their miſbehaviour, which they were deſirous of repreſenting rather as want of will than of courage to fight. The treaſury too was quite exhauſted, and every expedient for ſupply had been tried to the uttermoſt. No event had happened but what might have been foreſeen as neceſſary, at leaſt as very probable; yet ſuch was the king's ſituation, that no proviſion could be made, nor was even any reſolution taken againſt ſuch an exigency.

Treaty at Rippon.

In order to prevent the advance of the Scots upon him, the king agreed to a treaty, and named ſixteen Engliſh noblemen, who met with eleven Scottiſh commiſſioners at Rippon. The earls of Hertford, Bedford, Saliſbury, Warwick, Eſſex, Holland, Briſtol, and Berkſhire; the Lords Kimbolton, Wharton, Dunſmore, Paget, Broke, Saville, Paulet, and Howard of Eſcric, were choſen by the king; all of them popular men, and conſequently ſuppoſed nowiſe averſe to the Scottiſh invaſion, or unacceptable to that nation [u].

t Ruſh. vol. iii. p. 1255.

u Clarendon, vol. i. p. 155.

An

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An addreſs arrived from the city of London, petitioning for a parliament; the great point to which all men's projects at this time tended [w]. Twelve noblemen preſented a petition to the ſame purpoſe [x].—But the king contented himſelf with ſummoning a great council of the peers at York; a meaſure, which had formerly been taken in caſes of ſudden emergency, but which, at preſent, could ſerve to little purpoſe. Perhaps, the king, who dreaded, above all things, the houſe of commons, and who expected no ſupply from them on any reaſonable terms, thought, that, in his preſent diſtreſſes, he might be enabled to levy ſupplies by the authority of the peers alone. But the employing ſo long the plea of a neceſſity, which appeared diſtant and doubtful, rendered it impoſſible for him to avail himſelf of a neceſſity, which was now at laſt become real, urgent, and inevitable.

By Northumberland's ſickneſs the command of the army had devolved on Strafford. This nobleman poſſeſſed more vigour of mind than the king or any of the council. He adviſed Charles rather to put all to hazard than ſubmit to ſuch unworthy terms as were likely to be impoſed upon him. The loſs ſuſtained at Newburn, he ſaid, was inconſiderable; and though a panic had for the time ſeized the army, that event was nothing ſtrange among new levied troops; and the Scots, being in the ſame condition, would, no doubt, be liable, in their turn, to a like accident. His opinion, therefore, was that the king ſhould puſh forward and attack the Scots, and bring the affair to a quick deciſion; and if he were ever ſo unſucceſsful, nothing worſe could befal him, than what, from his inactivity, he would certainly be expoſed to [y]. To ſhow how eaſy it would

w Ruſh. vol. iii. p. 1263.
x Claren. vol. i. p. 146. Ruſh. vol. iii. p. 1260. May, p. 66. Warwick, p. 151.
y Nalſon, vol. ii. p. 5.

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1640.

be to execute this project, he ordered an assault to be made on some quarters of the Scots, and he gained an advantage over them. No cessation of arms had as yet been agreed to during the treaty at Ripon, yet great clamour prevailed on account of this act of hostility. And when it was known that the officer who conducted the attack, was a Papist, a violent outcry was raised against the king for employing that hated sect in the murder of his Protestant subjects [z].

It may be worthy of remark, that several mutinies had arisen among the English troops when marching to join the army; and some officers had been murdered, merely on suspicion of their being Papists [a]. The petition of right had abolished all martial law; and by an inconvenience which naturally attended the plan, as yet new and unformed, of regular and rigid liberty, it was found absolutely impossible for the generals to govern the army by all the authority which the king could legally confer upon them. The lawyers had declared, that martial law could not be exercised except in the very presence of an enemy; and because it had been found necessary to execute a mutineer, the generals thought it adviseable, for their own safety, to apply for a pardon from the crown. This weakness, however, was carefully concealed from the army; and Lord Conway said, that, if any lawyer were so imprudent as to discover the secret to the soldiers, it would be necessary instantly to refute him, and to hang the lawyer himself, by sentence of a court-martial [b].

An army new levied, undisciplined, frightened, seditious, ill-paid, and governed by no proper authority, was very unfit for withstanding a victorious and high-spirited enemy, and retaining in subjection a discontented and zealous nation.

z Clarendon, vol. i. p. 159.
a Rush. vol. iii. p. 1190, 1191, 1192, &c. May, p. 64.
b Rush. vol. iii. p. 1199.

Charles

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1640. Sept. 24. Great council of the peers.

Charles, in deſpair of being able to ſtem the torrent, at laſt determined to yield to it: And as he foreſaw that the great council of the peers would adviſe him to call a parliament, he told them, in his firſt ſpeech, that he had already taken this reſolution. He informed them likewiſe, that the queen, in a letter which ſhe had written to him, had very earneſtly recommended that meaſure. This good prince, who was extremely attached to his conſort, and who paſſionately wiſhed to render her popular in the nation, forgot not, amidſt all his diſtreſs, the intereſts of his domeſtic tenderneſs [c].

In order to ſubſiſt both armies (for the king was obliged, in order to ſave the northern counties, to pay his enemies), Charles wrote to the city, deſiring a loan of 200,000 l. And the peers at York, whoſe authority was now much greater than that of their ſovereign, joined in the ſame requeſt [d]. So low was this prince already fallen in the eyes of his own ſubjects!

As many difficulties occurred in the negociation with the Scots, it was propoſed to transfer the treaty from Rippon to London: A propoſal willingly embraced by that nation, who were now ſure of treating with advantage, in a place where the king, they foreſaw, would be in a manner a priſoner in the midſt of his implacable enemies and their determined friends [e].

c Clarendon, vol. i. p. 154. Ruſh. vol. iii. p. 1275.

d Ruſh. vol. iii. p. 1279.

e Ibid. p. 1305.

CHAP.

CHAP. LIV.

Meeting of the Long Parliament——Strafford and Laud impeached——Finch and Windebank fly——Great authority of the commons——The biſhops attacked——Tonnage and poundage——Triennial bill——Strafford's trial——Bill of attainder——Execution of Strafford——High commiſſion and ſtar-chamber aboliſhed——King's journey to Scotland.

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THE cauſes of diſguſt which, for above thirty years, had daily been multiplying in England, were now come to full maturity, and threatened the kingdom with ſome great revolution or convulſion. The uncertain and undefined limits of prerogative and privilege had been eagerly diſputed during that whole period; and in every controverſy between prince and people, the queſtion, however doubtful, had always been decided by each party in favour of its own pretenſions. Too lightly, perhaps, moved by the appearance of neceſſity, the king had even aſſumed powers incompatible with the principles of limited government, and had rendered it impoſſible for his moſt zealous partizans entirely to juſtify his conduct, except by topics ſo unpopular, that they were more fitted, in the preſent diſpoſition of men's minds, to inflame than appeaſe the general diſcontent. Thoſe great ſupports of public authority, law and religion, had likewiſe, by the unbounded compliance of judges and prelates, loſt much of their influence over the people; or rather had in a great meaſure gone over to the ſide of faction, and autho-

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rised the spirit of opposition and rebellion. The nobility also, whom the king had no means of retaining by offices and preferments suitable to their rank, had been seized with the general discontent, and unwarily threw themselves into the scale which already began too much to preponderate. Sensible of some encroachments which had been made by royal authority, men entertained no jealousy of the commons, whose enterprizes, for the acquisition of power, had ever been covered with the appearance of public good, and had hitherto gone no farther than some disappointed efforts and endeavours. The progress of the Scottish malcontents reduced the crown to an entire dependence for supply: Their union with the popular party in England brought great accession of authority to the latter: The near prospect of success roused all latent murmurs and pretensions which had hitherto been held in such violent constraint: And the torrent of general inclination and opinion ran so strongly against the court, that the king was in no situation to refuse any reasonable demands of the popular leaders, either for defining or limiting the powers of his prerogative. Even many exorbitant claims, in his present situation, would probably be made, and must necessarily be complied with.

The triumph of the malcontents over the church was not yet so immediate or certain. Though the political and religious Puritans mutually lent assistance to each other, there were many who joined the former, yet declined all connexion with the latter. The hierarchy had been established in England ever since the Reformation: The Romish church in all ages, had carefully maintained that form of ecclesiastical government: The ancient fathers too bore testimony to episcopal jurisdiction: And though parity may seem at first to have had place among Christian pastors, the period during which it prevailed was so short,

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ſhort, that few undiſputed traces of it remained in hiſtory. The biſhops and their more zealous partizans, inferred thence the divine indefeizable right of prelacy: Others regarded that inſtitution as venerable and uſeful: And if the love of novelty led ſome to adopt the new rites and diſcipline of the Puritans, the reverence to antiquity retained many in their attachment to the liturgy and government of the church. It behoved, therefore, the zealous innovators in parliament to proceed with ſome caution and reſerve. By promoting all meaſures which reduced the powers of the crown, they hoped to diſarm the king, whom they juſtly regarded, from principle, inclination, and policy, to be the determined patron of the hierarchy. By declaiming againſt the ſuppoſed encroachments and tyranny of the prelates, they endeavoured to carry the nation, from a hatred of their perſons, to an oppoſition againſt their office and character. And when men were inliſted in party, it would not be difficult they thought to lead them by degrees into many meaſures, for which they formerly entertained the greateſt averſion. Though the new ſectaries compoſed not at firſt the majority of the nation, they were inflamed, as is uſual among innovators, with extreme zeal for their opinions. Their unſurmountable paſſion, diſguiſed to themſelves, as well as to others, under the appearance of holy fervours, was well qualified to make proſelytes, and to ſeize the minds of the ignorant multitude. And one furious enthuſiaſt was able, by his active induſtry, to ſurmount the indolent efforts of many ſober and reaſonable antagoniſts.

When the nation, therefore, was ſo generally diſcontented, and little ſuſpicion was entertained of any deſign to ſubvert the church and monarchy; no wonder that almoſt all elections ran in favour of thoſe who, by their high pretenſions to piety and patriotiſm, had encouraged

encouraged the national prejudices. It is a uſual compliment to regard the king's inclination in the choice of a ſpeaker; and Charles had intended to advance Gardiner, recorder of London, to that important truſt: But ſo little intereſt did the crown at that time poſſeſs in the nation, that Gardiner was diſappointed of his election, not only in London, but in every other place where it was attempted: And the king was obliged to make the choice of Speaker fall on Lenthal, a lawyer of ſome character, but not ſufficiently qualified for ſo high and difficult an office[f].

1640.

Meeting of the Long parliament, Nov. 3.

The eager expectations of men with regard to a parliament, ſummoned at ſo critical a juncture, and during ſuch general diſcontents; a parliament which, from the ſituation of public affairs, could not be abruptly diſſolved, and which was to execute every thing left unfiniſhed by former parliaments; theſe motives, ſo important and intereſting, engaged the attendance of all the members; and the houſe of commons was never obſerved to be, from the beginning, ſo full and numerous. Without any interval, therefore, they entered upon buſineſs, and, by unanimous conſent, they immediately ſtruck a blow which may, in a manner, be regarded as deciſive.

The earl of Strafford was conſidered as chief miniſter, both on account of the credit which he poſſeſſed with his maſter, and of his own great and uncommon vigour and capacity. By a concurrence of accidents, this man laboured under the ſevere hatred of all the three nations, which compoſed the Britiſh monarchy. The Scots, whoſe authority now ran extremely high, looked on him as the capital enemy of their country, and one whoſe counſels and influence they had moſt reaſon to apprehend. He had engaged the parliament of Ireland to advance large ſubſidies, in order to ſupport a war againſt them: He had levied an army of 9000 men, with which he

[f] Clarendon, vol. i. p. 169.

had

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1640.

had menaced all their weſtern coaſt: He had obliged the Scots, who lived under his government, to renounce the covenant, their national idol: He had, in Ireland, proclaimed the Scottiſh Covenanters rebels and traitors, even before the king had iſſued any ſuch declaration againſt them in England: And he had ever diſſuaded his maſter againſt the late treaty and ſuſpenſion of arms, which he regarded as dangerous and diſhonourable. So avowed and violent were the Scots in their reſentment of all theſe meaſures, that they had refuſed to ſend commiſſioners to treat at York, as was at firſt propoſed; becauſe, they ſaid, the lieutenant of Ireland, their capital enemy, being general of the king's forces, had there the chief command and authority.

Strafford, firſt as deputy, then as lord lieutenant, had governed Ireland during eight years with great vigilance, activity, and prudence, but with very little popularity. In a nation ſo averſe to the Engliſh government and religion, theſe very virtues were ſufficient to draw on him the public hatred. The manners too and character of this great man, though to all full of courteſy, and to his friends full of affection, were, at bottom, haughty, rigid, and ſevere. His authority and influence, during the time of his government, had been unlimited; but no ſooner did adverſity ſeize him, than the concealed averſion of the nation blazed up at once, and the Iriſh parliament uſed every expedient to aggravate the charge againſt him.

The univerſal diſcontent which prevailed in England againſt the court, was all pointed towards the earl of Strafford; though without any particular reaſon, but becauſe he was the miniſter of ſtate whom the king moſt favoured and muſt truſted. His extraction was honourable, his paternal fortune conſiderable: Yet envy attended his ſudden and great elevation. And his former aſſociates in popu-

lar

lar counſels, finding that he owed his advancement to the deſertion of their cauſe, repreſented him as the great apoſtate of the commonwealth, whom it behoved them to ſacrifice as a victim to public juſtice. CHAP. LIV. 1640.

Strafford, ſenſible of the load of popular prejudices under which he laboured, would gladly have declined attendance in parliament; and he begged the king's permiſſion to withdraw himſelf to his government of Ireland, at leaſt to remain at the head of the army in Yorkſhire; where many opportunities, he hoped, would offer, by reaſon of his diſtance, to elude the attacks of his enemies. But Charles, who had entire confidence in the earl's capacity, thought, that his counſels would be extremely uſeful during the critical ſeſſion which approached. And when Strafford ſtill inſiſted on the danger of his appearing amidſt ſo many enraged enemies, the king, little apprehenſive that his own authority was ſo ſuddenly to expire, promiſed him protection, and aſſured him, that not a hair of his head ſhould be touched by the parliament[g].

No ſooner was Strafford's arrival known, than a concerted attack was made upon him in the houſe of commons. Pym, in a long, ſtudied diſcourſe, divided into many heads after his manner, enumerated all the grievances under which the nation laboured; and, from a complication of ſuch oppreſſions, inferred, that a deliberate plan had been formed of changing entirely the frame of government, and ſubverting the ancient laws and liberties of the kingdom[h]. Could any thing, he ſaid, encreaſe our indignation againſt ſo enormous and criminal a project, it would be to find, that, during the reign of the beſt of princes, the conſtitution had been endangered by the worſt of miniſters, and that the virtues of the king had been ſeduced by wicked and pernicious 11th Nov: Strafford impeached.

g Whitlocke, p. 36. h Id. ibid.

counſel.

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counsel. We must enquire, added he, from what fountain these waters of bitterness flow; and though doubtless many evil counsellors will be found to have contributed their endeavours, yet there is one who challenges the infamous pre-eminence, and who, by his courage, enterprize, and capacity, is intitled to the first place among these betrayers of their country. He is the earl of Strafford, lieutenant of Ireland, and president of the council of York, who in both places, and in all other provinces, where he has been entrusted with authority, has raised ample monuments of tyranny, and will appear, from a survey of his actions, to be the chief promoter of every arbitrary counsel. Some instances of imperious expressions, as well as actions, were given by Pym; who afterwards entered into a more personal attack of that minister, and endeavoured to expose his whole character and manners. The austere genius of Strafford, occupied in the pursuits of ambition, had not rendered his breast altogether inaccessible to the tender passions, or secured him from the dominion of the fair; and in that sullen age, when the irregularities of pleasure were more reproachful than the most odious crimes, these weaknesses were thought worthy of being mentioned, together with his treasons, before so great an assembly. And, upon the whole, the orator concluded, that it belonged to the house to provide a remedy proportionable to the disease, and to prevent the farther mischiefs justly to be apprehended from the influence which this man had acquired over the measures and counsels of their sovereign[i].

Sir John Clotworthy, an Irish gentleman, Sir John Hotham of Yorkshire, and many others, entered into the same topics: And, after several hours spent in bitter invective, when the doors were locked, in order to prevent all discovery of their purpose, it

i Clarendon, vol. i. p. 172.

was

was moved, in consequence of the resolution secretly taken, that Strafford should immediately be impeached of high treason. This motion was received with universal approbation; nor was there, in all the debate, one person that offered to stop the torrent by any testimony in favour of the earl's conduct. Lord Falkland alone, though known to be his enemy, modestly desired the house to consider, whether it would not better suit the gravity of their proceedings, first to digest, by a committee, many of those particulars which had been mentioned, before they sent up an accusation against him. It was ingenuously answered by Pym, that such a delay might probably blast all their hopes, and put it out of their power to proceed any farther in the prosecution: That when Strafford should learn, that so many of his enormities were discovered, his conscience would dictate his condemnation; and, so great was his power and credit, he would immediately procure the dissolution of the parliament, or attempt some other desperate measure for his own preservation: That the commons were only accusers, not judges; and, it was the province of the peers to determine whether such a complication of enormous crimes, in one person, did not amount to the highest crime known by the law [k]. Without farther debate, the impeachment was voted: Pym was chosen to carry it up to the lords: Most of the house accompanied him on so agreeable an errand: And Strafford, who had just entered the house of peers, and who little expected so speedy a prosecution, was immediately, upon this general charge, ordered into custody, with several symptoms of violent prejudice in his judges, as well as in his prosecutors.

CHAP. LIV. 1640.

In the enquiry concerning grievances, and in the censure of past measures, Laud could not long escape the severe scrutiny of the commons, who were led

Laud impeached.

k Clarendon, vol. i p. 174.

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too, in their accusation of that prelate, as well by their prejudices against his whole order, as by the extreme antipathy which his intemperate zeal had drawn upon him. After a deliberation, which scarcely lasted half an hour, an impeachment of high treason was voted against this subject, the first both in rank and in favour throughout the kingdom. Tho' this incident, considering the example of Strafford's impeachment and the present disposition of the nation and parliament, needed be no surprize to him; yet was he betrayed into some passion when the accusation was presented. *The commons themselves*, he said, *though his accusers, did not believe him guilty of the crimes with which they charged him*; an indiscretion, which, next day, upon more mature deliberation, he desired leave to retract; but, so little favourable were the peers, that they refused him this advantage or indulgence. Laud also was immediately upon this general charge, sequestered from parliament, and committed to custody [1].

The capital article insisted on against these two great men, was the design which the commons supposed to have been formed of subverting the laws and constitution of England, and introducing arbitrary and unlimited authority into the kingdom. Of all the king's ministers, no one was so obnoxious in this respect as the lord keeper, Finch. He it was who, being speaker in the king's third parliament, had left the chair, and refused to put the question, when ordered by the house. The extrajudicial opinion of the judges in the case of ship-money had been procured by his intrigues, persuasions, and even menaces. In all unpopular and illegal measures he was ever most active; and he was even believed to have declared publicly, that, while he was keeper, an order of council should always with him be equivalent to a law. To appease the rising displeasure of the

1 Clarendon, vol. i. p. 177. Whitlocke, p. 38. Rushworth, vol. iii. p. 1365.

commons,

CHAP. LIV. 1640.

summons, he desired to be heard at their bar. He prostrated himself with all humility before them; but this submission availed him nothing. An impeachment was resolved on; and, in order to escape their fury, he thought proper secretly to withdraw, and retire into Holland. As he was not esteemed equal to Strafford, or even to Laud, either in capacity or in fidelity to his master, it was generally believed, that his escape had been connived at by the popular leaders [m]. His impeachment, however, in his absence, was carried up to the house of peers.

Lordkeeper Finch flies.

Sir Francis Windebank, the secretary, was a creature of Laud's; a sufficient reason for his being extremely obnoxious to the commons. He was secretly suspected too of the crime of Popery; and it was known that, from complaisance to the queen, and indeed in compliance with the king's maxims of government, he had granted many indulgences to Catholics, and had signed warrants for the pardon of priests, and their delivery from confinement. Grimstone, a popular member, called him, in the house, the very pander and broker to the whore of Babylon [n]. Finding that the scrutiny of the commons was pointing towards him, and being sensible that England was no longer a place of safety for men of his character, he suddenly made his escape into France [o].

Secretary Windebank flies.

Thus, in a few weeks, this house of commons, not opposed, or rather seconded by the peers, had produced such a revolution in the government, that the two most powerful and most favoured ministers of the king were thrown into the Tower, and daily expected to be tried for their life. Two other ministers had, by flight alone, saved themselves from a

m Clarendon, vol i. p. 177. Whitlocke, p. 68. Rushworth, vol. i. p. 129. 136.

n Rushworth, vol. v. p. 122.

o Clarendon, vol. i. p. 178. Whitlocke, p. 37.

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like fate. All the king's ſervants ſaw that no protection could be given them by their maſter. A new juriſdiction was erected in the nation; and, before that tribunal all thoſe trembled who had before exulted moſt in their credit and authority.

What rendered the power of the commons more formidable was, the extreme prudence with which it was conducted. Not content with the authority which they had acquired by attacking theſe great miniſters, they were reſolved to render the moſt conſiderable bodies of the nation obnoxious to them. Though the idol of the people, they determined to fortify themſelves likewiſe with terrors, and to overawe thoſe who might ſtill be inclined to ſupport the falling ruins of monarchy.

Great authority of the commons.

During the late military operations, ſeveral powers had been exerciſed by the lieutenants and deputy-lieutenants of counties. And theſe powers, tho' neceſſary for the defence of the nation, and even warranted by all former precedent, yet not being authorized by ſtatute, were now voted to be illegal; and the perſons who had aſſumed them declared *delinquents*. This term was newly come into vogue, and expreſſed a degree and ſpecies of guilt not exactly known or aſcertained. In conſequence of that determination, many of the nobility and prime gentry of the nation, while only exerting, as they juſtly thought, the legal powers of magiſtracy, unexpectedly found themſelves involved in the crime of delinquency. And the commons reaped this multiplied advantage by their vote;—they diſarmed the crown; they eſtabliſhed the maxims of rigid law and liberty, and they ſpread the terror of their own authority[p].

The writs for ſhip-money had been directed to the ſheriffs, who were required, and even obliged, under ſevere penalties, to aſſeſs the ſums upon individuals, and to levy them by their authority: Yet were all the

[p] Clarendon, vol. i. p. 176.

ſheriffs,

sheriffs, and all those who had been employed in that illegal service, voted, by a very rigorous sentence, to be delinquents. The king, by the maxims of law, could do no wrong: His ministers and servants, of whatever degree, in case of any violation of the constitution, were alone culpable [q].

CHAP. LIV. 1640.

All the farmers and officers of the customs who had been employed, during so many years, in levying tonnage and poundage and the new impositions, were likewise declared criminals, and were afterwards glad to compound for a pardon by paying a fine of 150,000 l.

Every discretionary or arbitrary sentence of the star-chamber and high-commission courts, which, from their very constitution, were arbitrary, underwent a severe scrutiny: And all those who had concurred in such sentences, were voted to be liable to the penalties of law [r]. No minister of the king, no member of the council, but found himself exposed by this decision.

The judges, who had given their vote against Hambden in the trial of ship-money, were accused before the peers, and obliged to find surety for their appearance. Berkeley, a judge of the king's bench, was seized by order of the house, even when sitting in his tribunal; and all men saw, with astonishment, the irresistible authority of their jurisdiction [s].

The sanction of the lords and commons, as well as that of the king, was declared necessary for the confirmation of ecclesiastical canons [t]. And this judgment, it must be confessed, however reasonable, at least useful, it would have been difficult to justify by

q Clarendon, vol. i. p. 176.
r Ibid. p. 177.
s Whitlocke, p. 39.
t Nalson, vol. i. p. 678.

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any precedent [u]. But the present was no time for question or dispute. That decision, which abolished all legislative power except that of parliament, was requisite for completing the new plan of liberty, and rendering it quite uniform and systematical. Almost all the bench of bishops, and the most considerable of the inferior clergy, who had voted in the late convocation, found themselves exposed, by these new principles, to the imputation of delinquency [w].

The most unpopular of all Charles's measures, and the least justifiable, was the revival of monopolies, so solemnly abolished, after reiterated endeavours, by a recent act of parliament. Sensible of this unhappy measure, the king had, of himself, recalled, during the time of his first expedition against Scotland, many of these oppressive patents; and the rest were now annulled by authority of parliament, and every one who was concerned in them, declared delinquents. The commons carried so far their detestation of this odious measure, that they assumed a power which had formerly been seldom practised [x], and they expelled all their members who were monopolists or projectors: An artifice, by which, besides encreasing their own privileges, they weakened still farther the very small party which the king secretly retained in the house. Mildmay, a notorious monopolist, yet having associated himself with the ruling party, was still allowed to keep his seat. In all questions, in-

[u] An act of parliament, 25. Hen. VIII. cap. 19. allowed the convocation with the king's consent to make canons. By the famous act of submission to that prince, the clergy bound themselves to enact no canons without the king's consent. The parliament was never mentioned nor thought of. Such pretensions as the commons advanced at present, would, in any former age, have been deemed strange usurpations.

[w] Clarendon, vol. i. p. 206. Whitlocke, p. 37. Rush. vol. v. p. 235, 359. Nalson, vol. i. p. 807.

[x] Lord Clarendon says it was entirely new; but there are instances of it in the reign of Elizabeth. D'Ewes, p. 296, 352. There are also instances in the reign of James.

deed,

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deed, of elections, no steddy rule of decision was observed; and nothing farther was regarded than the affections and attachments of the parties[y]. Men's passions were too much heated to be shocked with any instance of injustice, which served ends so popular as those which were pursued by this house of commons.

The whole sovereign power being thus in a manner transferred to the commons, and the government, without any seeming violence or disorder, being changed, in a moment, from a monarchy almost absolute, to a pure democracy, the popular leaders seemed willing, for some time, to suspend their active vigour, and to consolidate their authority, ere they proceeded to any violent exercise of it. Every day produced some new harangue on past grievances. The detestation of former usurpations was farther enlivened: The jealousy of liberty roused: And agreeably to the spirit of free government no less indignation was excited, by the view of a violated constitution, than by the ravages of the most enormous tyranny.

This was the time, when genius and capacity of all kinds, freed from the restraint of authority, and nourished by unbounded hopes and projects, began to exert themselves, and be distinguished by the public. Then was celebrated the sagacity of Pym, more fitted for use than ornament; matured, not chilled, by his advanced age and long experience: Then was displayed the mighty ambition of Hambden, taught disguise, not moderation, from former constraint; supported by courage, conducted by prudence, embellished by modesty; but whether founded in a love of power or zeal for liberty, is still, from his untimely end, left doubtful and uncertain: Then too were known the dark, ardent, and dangerous

[y] Clarendon, vol. i. p. 176.

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character of St John; the impetuous spirit of Hollis, violent and sincere, open and entire in his enmities and in his friendships; the enthusiastic genius of young Vane, extravagant in the ends which he pursued, sagacious and profound in the means which he employed; incited by the appearances of religion, negligent of the duties of morality.

So little apology would be received for past measures, so contagious the general spirit of discontent, that even men of the most moderate tempers, and the most attached to the church and to monarchy, exerted themselves with the utmost vigour in the redress of grievances, and in prosecuting the authors of them. The lively and animated Digby displayed his eloquence on this occasion; the firm and undaunted Capel; the modest and candid Palmer. In this list too of patriot royalists are found the virtuous names of Hyde and Falkland. Though in their ultimate views and intentions, these men differed widely from the former; in their present actions and discourses, an entire concurrence and unanimity was observed.

By the daily harangues and invectives against illegal usurpations, not only the house of commons inflamed themselves with the highest animosity against the court: The nation caught new fire from the popular leaders, and seemed now to have made the first discovery of the many supposed disorders in the government. While the law, in several instances, seemed to be violated, they went no farther than some secret and calm murmurs; but mounted up into rage and fury as soon as the constitution was thought to be restored to its former integrity and vigour. The capital especially, being the seat of parliament, was highly animated with the spirit of mutiny and disaffection. Tumults were daily raised; seditious assemblies encouraged; and every man, neglecting his own business, was wholly intent on the defence of liberty

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and religion. By stronger contagion, the popular affections were communicated from breast to breast, in this place of general rendezvous and society. CHAP. LIV. 1640.

The harangues of members, now first published and dispersed, kept alive the discontents against the king's administration. The pulpits, delivered over to puritanical preachers and lecturers, whom the commons arbitrarily settled in all the considerable churches, resounded with faction and fanaticism. Vengeance was fully taken for the long silence and constraint in which, by the authority of Laud and the high commission, these preachers had been retained. The press, freed from all fear and reserve, swarmed with productions, dangerous by their seditious zeal and calumny, more than by any art or eloquence of composition. Noise and fury, cant and hypocrisy, formed the sole rhetoric, which, during this tumult of various prejudices and passions, could be heard or attended to.

The sentence, which had been executed against Prynne, Bastwic, and Burton, now suffered a revisal from parliament. These libellers, far from being tamed by the rigorous punishments which they had undergone, showed still a disposition of repeating their offence; and the ministers were afraid, lest new satires should issue from their prisons, and still farther inflame the prevailing discontents. By an order, therefore, of council, they had been carried to remote prisons; Bastwic to Scilly, Prynne to Jersey, Burton to Guernsey; all access to them was denied; and the use of books, and of pen, ink, and paper, was refused them. The sentence for these additional punishments was immediately reversed, in an arbitrary manner by the commons: Even the first sentence, upon examination, was declared illegal: And the judges, who passed it, were ordered to make reparation

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pensation to the sufferers [a]. When the prisoners landed in England, they were received and entertained with the highest demonstrations of affection, were attended by a mighty confluence of company, their charges were borne with great magnificence, and liberal presents bestowed on them. On their approach to any town, all the inhabtants crowded to receive them, and welcomed their reception with shouts and acclamations. Their train still encreased as they drew nigh to London. Some miles from the city, the zealots of their party met them in great multitudes, and attended their triumphant entrance: Boughs were carried in this tumultuous procession; the roads were strewed with flowers; and amidst the highest exultations of joy, were intermingled loud and virulent invectives against the prelates, who had so cruelly persecuted such godly personages [a]. The more ignoble these men were, the more sensible was the insult upon royal authority, and the more dangerous was the spirit of disaffection and mutiny, which it discovered among the people.

Lilburne, Leighton, and every one that had been punished for seditious libels during the preceding administration, now recovered their liberty, and were decreed damages from the judges and ministers of justice. [b]

Not only the present disposition of the nation ensured impunity to all libellers: A new method of framing and dispersing libels was invented by the leaders of popular discontent. Petitions to parliament were drawn, craving redress against particular grievances; and when a sufficient number of subscriptions were procured, the petitions were presented to the commons, and immediately published. These petitions became secret bonds of association among the

a Nalson, vol. i. p. 783. May, p. 79.
a Clarendon, vol. i. p. 199, 200, &c. Nalson, vol. i. p. 570. May, p. 80.
b Rush. vol. v. p. 228. Nalson, vol. i. p. 800.

subscribers,

subscribers, and seemed to give undoubted sanction and authority to the complaints which they contained. CHAP. LIV. 1640.

It is pretended by historians favourable to the royal cause [c], and is even asserted by the king himself, in a declaration [d], that a most disingenuous or rather criminal practice prevailed in conducting many of these addresses. A petition was first framed; moderate, reasonable, such as men of character willingly subscribed. The names were afterwards torn off, and affixed to another petition, which served better the purposes of the popular faction. We may judge of the wild fury which prevailed throughout the nation, when so scandalous an imposture, which affected such numbers of people, could be openly practised, without drawing infamy and ruin upon the managers.

So many grievances were offered, both by the members and by petitions without doors, that the house was divided into above forty committees, charged, each of them, with the examination of some particular violation of law and liberty which had been complained of. Besides the general committees of religion, trade, privileges, laws, many subdivisions of these were framed, and a strict scrutiny was every where carried on. It is to be remarked, that, before the beginning of this century, when the commons assumed less influence and authority, complaints of grievances were usually presented to the house, by any members who had had particular opportunity of observing them. These general committees, which were a kind of inquisitorial courts, had not then been established; and we find, that the king, in a former declaration [e], complains loudly of

[c] Dugdale. Clarendon, vol. i. p. 203.

[d] Husb. Col. p. 536.

[e] Published on dissolving the third parliament. See Parl. Hist. vol. viii. p. 347.

this

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this innovation, ſo little favourable to royal authority. But, never was ſo much multiplied as at preſent the uſe of theſe committees; and the commons, though themſelves the greateſt innovators, employed the uſual artifice of complaining againſt innovations, and pretending to recover the ancient and eſtabliſhed government.

From the reports of their committees, the houſe daily paſſed votes, which mortified and aſtoniſhed the court, and inflamed and animated the nation. Ship-money was declared illegal and arbitrary; the ſentence againſt Hambden cancelled; the court of York aboliſhed; compoſitions for knighthood ſtigmatized; the enlargements of the foreſts condemned; patents for monopolies annulled; and every late meaſure of adminiſtration treated with reproach and obloquy. To-day, a ſentence of the ſtar-chamber was exclaimed againſt; to-morrow, a decree of the high commiſſion. Every diſcretionary act of council was repreſented as arbitrary and tyrannical; and the general inference was ſtill inculcated, that a formed deſign had been laid to ſubvert the laws and conſtitution of the kingdom.

From neceſſity, the king remained entirely paſſive during all theſe violent operations. The few ſervants who continued faithful to him were ſeized with aſtoniſhment at the rapid progreſs made by the commons in power and popularity, and were glad, by their unactive and inoffenſive behaviour, to compound for impunity. The torrent riſing to ſo dreadful and unexpected a height, deſpair ſeized all thoſe who from intereſt or habit were moſt attached to monarchy. And as for thoſe who maintained their duty to the king, merely from their regard to the conſtitution, they ſeemed, by their concurrence, to ſwell that inundation, which began already to deluge every thing. "You have taken the whole machine of govern-"ment in pieces," ſaid Charles, in a diſcourſe to the

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the parliament; "a practice frequent with skilful "artists, when they desire to clear the wheels from "any rust which may have grown upon them. The "engine," continued he, "may again be restored "to its former use and motions, provided it be put "up entire, so as not a pin of it be wanting." But this was far from the intention of the commons. The machine they thought, with some reason, was incumbered with many wheels and springs which retarded and crossed its operations, and destroyed its utility. Happy! had they proceeded with moderation, and been contented, in their present plenitude of power, to remove such parts only as might justly be deemed superfluous and incongruous.

In order to maintain that high authority which they had acquired, the commons, besides confounding and overawing their opponents, judged it requisite to inspire courage into their friends and adherents, particularly into the Scots, and the religious Puritans, to whose assistance and good offices they were already so much beholden.

No sooner were the Scots masters of the northern counties, than they laid aside their first professions, which they had not indeed means to support, of paying for every thing; and, in order to prevent the destructive expedient of plunder and free quarters, the country consented to give them a regular contribution of 850 l. a-day, in full of their subsistence [f]. The parliament, that they might relieve the northern counties from so grievous a burden, agreed to remit pay to the Scottish as well as to the English army; and, because subsidies would be levied too slowly for so urgent an occasion, money was borrowed from the citizens upon the security of particular members. Two subsidies, a very small sum [g], were

[f] Rushworth, vol. iii. p. 1295.

[g] It appears that a subsidy was now fallen to 50,000 pounds.

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at first voted; and as the intention of this supply was to indemnify the members, who, by their private had supported public credit, this pretence was immediately laid hold of, and the money was ordered to be paid, not into the treasury, but to commissioners appointed by parliament: A practice, which, as it diminished the authority of the crown, was willingly embraced, and was afterwards continued by the commons, with regard to every branch of revenue, which they granted to the king. The invasion of the Scots had evidently been the cause of assembling the parliament: The presence of their army reduced the king to that total subjection in which he was now held: The commons, for this reason, openly professed their intention of retaining these invaders, till all their own enemies should be suppressed, and all their purposes effected. *We cannot yet spare the Scots*, said Strode plainly in the house; *the sons of Zeruiah are still too strong for us*[h]: An allusion to a passage of scripture, according to the mode of that age. Eighty thousand pounds a month were requisite for the subsistence of the two armies; a sum much greater than the subject had ever been accustomed, in any former period, to pay to the public. And though several subsidies, together with a poll-tax, were from time to time voted to answer the charge, the commons still took care to be in debt, in order to render the continuance of the session the more necessary.

The Scots being such useful allies to the malcontent party in England, no wonder they were courted with the most unlimited complaisance and the most important services. The king having, in his first speech, called them *rebels*, observed, that he had given great offence to the parliament; and he was immediately obliged to soften, and even retract the expression. The Scottish commissioners, of whom

h Dugdale, p. 71.

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the moſt conſiderable were the earl of Rothes and Lord Loudon, found every advantage in conducting their treaty; yet made no haſte in bringing it to an iſſue. They were lodged in the city, and kept an intimate correſpondence, as well with the magiſtrates, who were extremely diſaffected, as with the popular leaders in both houſes. St Antholine's church was aſſigned them for their devotions; and their chaplains here, began openly to practiſe the Preſbyterian form of worſhip, which, except in foreign languages, had never hitherto been allowed any indulgence or toleration. So violent was the general propenſity towards this new religion, that multitudes of all ranks crowded to the church. Thoſe who were ſo happy as to find acceſs early in the morning, kept their places the whole day: Thoſe who were excluded, clung to the doors or windows, in hopes of catching, at leaſt, ſome diſtant murmur or broken phraſes of the holy rhetoric[1]. All the eloquence of parliament, now well refined from pedantry, animated with the ſpirit of liberty, and employed in the moſt important intereſts, was not attended to with ſuch inſatiable avidity, as were theſe lectures, delivered with ridiculous cant, and a provincial accent, full of barbariſm and of ignorance.

The moſt effectual expedient for paying court to the zealous Scots was to promote the Preſbyterian diſcipline and worſhip throughout England, and to this innovation, the popular leaders among the commons, as well as their more devoted partizans, were, of themſelves, ſufficiently inclined. The puritanical party, whoſe progreſs though ſecret, had hitherto been gradual in the kingdom, taking advantage of the preſent diſorders, began openly to profeſs their tenets, and to make furious attacks on the eſtabliſhed religion. The prevalence of that ſect in the par-

[1] Clarendon, vol. i. p. 189.

liament

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liament discovered itself, from the beginning, by insensible, but decisive symptoms. Marshall and Burgess, two puritanical clergymen, were chosen to preach before them, and entertained them with discourses seven hours in length[k]. It being the custom of the house always to take the sacrament before they enter upon business, they ordered, as a necessary preliminary, that the communion table should be removed from the east end of St Margaret's into the middle of the area[l]. The name of the *spiritual lords* was commonly left out in acts of parliament; and the laws ran in the name of king, lords, and commons. The clerk of the upper house, in reading bills, turned his back on the bench of bishops; nor was his insolence ever taken notice of. On a day appointed for a solemn fast and humiliation, all the orders of temporal peers, contrary to former practice, in going to church, took place of the spiritual; and Lord Spencer remarked, that the humiliation, that day, seemed confined alone to the prelates.

The bishops attacked.

Every meeting of the commons produced some vehement harangue against the usurpations of the bishops, against the high commission, against the late convocation, against the new canons. So disgusted were all lovers of civil liberty at the doctrines promoted by the clergy, that these invectives were received without controul; and no distinction, at first, appeared between such as desired only to repress the exorbitancies of the hierarchy, and such as pretended totally to annihilate Episcopal jurisdiction. Encouraged by these favourable appearances, petitions against the church were framed in different parts of the kingdom. The epithet of the ignorant and vicious priesthood was commonly applied to all churchmen addicted to the established discipline and worship; though the Episcopal clergy in England,

k Nalson, vol. i. p. 530. 533. l Idem, ibid. p. 537.

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during that age, seem to have been, as they are at present, sufficiently learned and exemplary. An address against Episcopacy was presented by twelve clergymen to the committee of religion, and pretended to be signed by many hundreds of the puritanical persuasion. But what made most noise was the city petition for a total alteration of church government; a petition to which 15,000 subscriptions were annexed, and which was presented by Alderman Pennington, the city member [m]. It is remarkable, that, among the many ecclesiastical abuses there complained of, an allowance given by the licensers of books, to publish a translation of Ovid's Art of Love, is not forgotten by these rustic censors [n].

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Notwithstanding the favourable disposition of the people, the leaders in the house resolved to proceed with caution. They introduced a bill for prohibiting all clergymen the exercise of any civil office. As a consequence, the bishops were to be deprived of their seats in the house of peers; a measure not unacceptable to the zealous friends of liberty, who observed, with regret, the devoted attachment of that order to the will of the monarch. But when this bill was presented to the peers, it was rejected by a great majority [o]: The first check which the commons had received in their popular career, and a prognostic of what they might afterwards expect from the upper house, whose inclinations and interests could never be totally separated from the throne. But, to show how little they were discouraged, the Puritans immediately brought in another bill for the total abolition of Episcopacy; though they thought proper to let that bill sleep at present, in expectation of a more favourable opportunity of reviving it [p].

m Clarendon, vol. i. p. 203. Whitlocke, p. 37. Nalson, vol. i. p. 666.
n Rush. vol. v. p. 171.
o Clarendon, vol. i. p. 237.
p Idem, ibid. p. 237.

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Among other acts of regal executive power which the commons were every day assuming, they issued orders for demolishing all images, altars, crucifixes. The zealous Sir Robert Harley, to whom the execution of these orders was committed, removed all crosses even out of streets and markets; and, from his abhorrence of that superstitious figure, would not any-where allow one piece of wood or stone to lie over another at right angles [q].

The bishop of Ely and other clergymen were attacked on account of innovations [r]. Cozens, who had long been obnoxious, was exposed to new censures. This clergyman, who was dean of Peterborough, was extremely zealous for ecclesiastical ceremonies: And so far from permitting the communicants to break the sacramental bread with their fingers, a privilege on which the Puritans strenuously insisted; he would not so much as allow it to be cut with an ordinary household instrument. A consecrated knife must perform that sacred office, and must never afterwards be profaned by any vulgar service [s].

Cozens likewise was accused of having said, *The king has no more authority in ecclesiastical matters than the boy who rubs my horse's heels* [t]. The expression was violent: But it is certain, that all those high churchmen, who were so industrious in reducing the laity to submission, were extremely fond of their own privileges and independency, and were desirous of exempting the mitre from all subjection to the crown.

A committee was elected by the lower house, as a court of inquisition upon the clergy, and was commonly denominated the committee of *scandalous ministers*. The politicians among the commons were apprized of the great importance of the pulpit for guiding the people; the bigots were enraged against

q Whitlocke, p. 45.
r Rushworth, vol. v. p. 351.
s Ibid. p. 203.
t Parl. Hist. vol. vii. p. 282. Rushworth, vol. v. p. 209.

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the prelatical clergy; and both of them knew that no eſtabliſhed government could be overthrown by ſtrictly obſerving the principles of juſtice, equity, or clemency. The proceedings, therefore, of this famous committee, which continued for ſeveral years, were cruel and arbitrary, and made great havock both on the church and the univerſities. They began with haraſſing, impriſoning, and moleſting the clergy; and ended with ſequeſtrating and ejecting them. In order to join contumely to cruelty, they gave the ſufferers the epithet of *ſcandalous*, and endeavoured to render them as odious as they were miſerable [u]. The greateſt vices, however, which they could reproach to a great part of them, were, bowing at the name of Jeſus, placing the communion table in the eaſt, reading the king's orders for ſports on Sunday, and other practices, which the eſtabliſhed government both in church and ſtate had ſtrictly enjoined them.

It may be worth obſerving, that all hiſtorians who lived near that age, or what perhaps is more deciſive, all authors who have caſually made mention of thoſe public tranſactions, ſtill repreſent the civil diſorders and convulſions as proceeding from religious controverſy, and conſider the political diſputes about power and liberty as entirely ſubordinate to the other. It is true, had the king been able to ſupport government, and at the ſame time, to abſtain from all invaſion of national privileges, it ſeems not probable, that the Puritans ever could have acquired ſuch authority as to overturn the whole conſtitution: Yet ſo entire was the ſubjection into which Charles was now fallen, that, had not the wound been poiſoned by the infuſion of theological hatred, it muſt have admitted of an eaſy remedy. Diſuſe of parliaments, impriſonments and proſecution of members, ſhip-money, an arbitrary adminiſtration; theſe were loud-

[u] Clarendon, vol. i. p. 199. Whitlocke, p. 122. May, p. 81.

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ly complained of: But the grievances which tended chiefly to inflame the parliament and nation, especially the latter, were the surplice, the rails placed about the altar, the bows exacted on approaching it, the liturgy, the breach of the sabbath, embroidered copes, lawn sleeves, the use of the ring in marriage, and of the cross in baptism. On account of these were the popular leaders content to throw the government into such violent convulsions; and, to the disgrace of that age, and of this island, it must be acknowledged, that the disorders in Scotland entirely, and those in England mostly, proceeded from so mean and contemptible an origin [w].

Some persons, partial to the patriots of this age, have ventured to put them in a balance with the most illustrious characters of antiquity; and mentioned the names of Pym, Hambden, Vane, as a just parallel to those of Cato, Brutus, Cassius. Profound capacity, indeed, undaunted courage, extensive enterprize; in these particulars, perhaps the Roman do not much surpass the English worthies: But what a difference, when the discourse, conduct, conversation, and private as well as public behaviour of both are inspected! Compare only one circumstance, and consider its consequences. The leisure of those noble ancients was totally employed in the study of Grecian eloquence and philosophy; in the cultivation of polite letters and civilized society: The whole discourse and language of the moderns were polluted with mysterious jargon, and full of the lowest and most vulgar hypocrisy.

[w] Lord Clarendon, vol. i. p. 233, says, that the parliamentary party were not agreed about the entire abolition of Episcopacy: They were only the *root and branch men*, as they were called, who insisted on that measure. But those who were willing to retain bishops, insisted on reducing their authority to a low ebb; as well as on abolishing the ceremonies of worship and vestments of the clergy. The controversy, therefore, between the parties was almost wholly theological, and that of the most frivolous and ridiculous kind.

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The laws, as they ſtood at preſent, protected the church; but they expoſed the Catholics to the utmoſt rage of the Puritans; and theſe unhappy religioniſts, ſo obnoxious to the prevailing ſect, could not hope to remain long unmoleſted. The voluntary contribution which they had made, in order to aſſiſt the king in his war againſt the Scotiſh Covenanters, was enquired into, and repreſented as the greateſt enormity [x]. By an addreſs from the commons, all officers of that religion were removed from the army, and application was made to the king for ſeizing two thirds of the lands of recuſants; a proportion to which, by law, he was intitled, but which he had always allowed them to poſſeſs upon eaſy compoſitions. The execution of the ſevere and bloody laws againſt prieſts was inſiſted on: And one Goodman, a jeſuit, who was found in priſon, was condemned to a capital puniſhment. Charles, however, agreeably to his uſual principles, ſcrupled to ſign the warrant for his execution; and the commons expreſſed great reſentment on the occaſion [y]. There remains a ſingular petition of Goodman, begging to be hanged, rather than prove a ſource of contention between the king and his people [z]. He eſcaped with his life; but it ſeems more probable, that he was overlooked, amidſt affairs of greater conſequence, than that ſuch unrelenting hatred would be ſoftened by any conſideration of his courage and generoſity.

For ſome years, Con, a Scotchman; afterwards, Roſetti, an Italian, had openly reſided at London, and frequented the court, as veſted with a commiſſion from the Pope. The queen's zeal, and her authority with her huſband, had been the cauſe of this

x Ruſhworth, vol. v. p. 160.
y Idem, ibid. p. 158, 159. Nalſon, vol. i. p. 739.
z Ruſhworth, vol. v. p. 166. Nalſon, vol. i. p. 749.

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imprudence, so offensive to the nation [a]. But the spirit of bigotry now rose too high to permit any longer such indulgences [b].

Hayward, a justice of peace, having been wounded, when employed in the exercise of his office, by one James, a catholic madman, this enormity was ascribed to the Popery, not to the phrensy of the assassin; and great alarms seized the nation and parliament [c]. An universal conspiracy of the Papists was supposed to have taken place; and every man, for some days, imagined that he had a sword at his throat. Though some persons of family and distinction were still attached to the catholic superstition, it is certain that the numbers of that sect did not amount to the fortieth part of the nation: And the frequent panics to which men, during this period, were so subject on account of the catholics, were less the effects of fear than of extreme rage and aversion entertained against them.

The queen-mother of France, having been forced into banishment by some court-intrigues, had retired into England, and expected shelter, amidst her present distresses, in the dominions of her daughter and son-in-law. But, though she behaved in the most inoffensive manner, she was insulted by the populace on account of her religion, and was even threatened with worse treatment. The earl of Holland, lieutenant of Middlesex, had ordered a hundred musqueteers to guard her; but, finding that they had imbibed the same prejudices with the rest of their

a It is now known, from the Clarendon papers, that the king had also an authorised agent who resided at Rome. His name was Bret, and his chief business was to negociate with the Pope concerning indulgences to the catholics, and to engage the catholics, in return, to be good and loyal subjects. But this whole matter, though very innocent, was most carefully kept secret. The king says, that he believed Bret to be as much his as any Papist could be. See p. 348. 354.

b Rushworth, vol. v. p. 301.

c Clarendon, vol. i. p. 249. Rushworth, vol. v. p. 57.

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countrymen, and were unwillingly employed in ſuch a ſervice, he laid the caſe before the houſe of peers; for the king's authority was now entirely annihilated. He repreſented the indignity of the action, that ſo great a princeſs, mother to the king of France, and to the queens of Spain and England, ſhould be affronted by the multitude. He obſerved the indelible reproach which would fall upon the nation, if that unfortunate queen ſhould ſuffer any violence from the miſguided zeal of the people. He urged the ſacred rights of hoſpitality due to every one, much more to a perſon in diſtreſs, of ſo high a rank, with whom the nation was ſo nearly connected. The peers thought proper to communicate the matter to the commons, whoſe authority over the people was abſolute. The commons agreed to the neceſſity of protecting the queen mother, but at the ſame time prayed that ſhe might be deſired to depart the kingdom: "For the quieting thoſe jealouſies in the hearts "of his majeſty's well-affected ſubjects, occaſioned "by ſome ill inſtruments about that queen's perſon, "by the flowing of prieſts and Papiſts to her houſe, "and by the uſe and practice of the idolatry of the "maſs, and exerciſe of other ſuperſtitious ſervices "of the Romiſh church, to the great ſcandal of true "religion [d]."

CHAP. LIV. 1640.

Charles, in the former part of his reign, had endeavoured to overcome the intractable and incroaching ſpirit of the commons, by a perſeverance in his own meaſures, by a ſtately dignity of behaviour, and by maintaining, at their utmoſt height, and even perhaps ſtretching beyond former precedent, the rights of his prerogative. Finding, by experience, how unſucceſsful thoſe meaſures had proved, and obſerving the low condition to which he was now reduced, he reſolved to alter his whole conduct, and to regain the confidence of his people, by pliableneſs,

[d] Ruſhworth, vol. v. p. 267.

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by conceſſions, and by a total conformity to their inclinations and prejudices. It may ſafely be averred, that this new extreme into which the king, for want of proper counſel or ſupport, was fallen, became no leſs dangerous to the conſtitution, and pernicious to public peace, than the other, in which he had ſo long and ſo unfortunately perſevered.

Tonnage and poundage.

The pretenſions with regard to tonnage and poundage were revived, and with certain aſſurance of ſucceſs by the commons [e]. The levying of theſe duties, as formerly, without conſent of parliament, and even increaſing them at pleaſure, was ſuch an incongruity in a free conſtitution, where the people, by their fundamental privileges, cannot be taxed but by their own conſent, as could no longer be endured by theſe jealous patrons of liberty. In the preamble, therefore, to the bill, by which the commons granted theſe duties to the king, they took care, in the ſtrongeſt and moſt poſitive terms, to aſſert their own right of beſtowing this gift, and to diveſt the crown of all independent title of aſſuming it. And that they might increaſe, or rather finally fix the entire dependence and ſubjection of the king, they voted theſe duties only for two months, and afterwards, from time to time, renewed their grant for very ſhort periods [f]. Charles, in order to ſhow that he entertained no intention ever again to ſeparate him-

e It appears not that the commons, though now entirely maſters, aboliſhed the new impoſitions of James, againſt which they had formerly ſo loudly complained; a certain proof that the rates of cuſtoms ſettled by that prince were in moſt inſtances juſt, and proportioned to the new price of commodities. They ſeem rather to have been low. See Journ. 10 Aug 1625.

f It was an inſtruction given by the houſe to the committee which framed one of theſe bills, to take care that the rates upon exportation may be as light as poſſible, and upon importation as heavy as trade will bear; a proof that the nature of commerce began now to be underſtood. Journ. 1ſt June 1641.

ſelf

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1640.

self from his parliament, passed this important bill, without any scruple or hesitation [g].

Triennial bill.

With regard to the bill for triennial parliaments, he made a little difficulty. By an old statute, passed during the reign of Edward III. it had been enacted, that parliaments should be held once every year, or more frequently, if necessary; but, as no provision had been made in case of failure, and no precise method pointed out for execution, this statute had been considered merely as a general declaration, and was dispensed with at pleasure. The defect was supplied by those vigilant patriots who now assumed the reins of government. It was enacted, that, if the chancellor, who was first bound under severe penalties, failed to issue writs by the third of September in every third year, any twelve or more of the peers should be impowered to exert this authority: In default of the peers, that the sheriffs, mayors, bailiffs, &c. should summon the voters: And, in their default, that the voters themselves should meet and proceed to the election of members, in the same manner as if writs had been regularly issued from the crown. Nor could the parliament, after it was assembled, be adjourned, prorogued, or dissolved, without their own consent, during the space of fifty days. By this bill, some of the noblest and most valuable prerogatives of the crown were retrenched; but, at the same time, nothing could be more necessary than such a statute, for completing a regular plan of law and liberty. A great reluctance to assemble parliaments must be expected in the king, where these assemblies, as of late, establish it as a maxim to carry their scrutiny into every part of government. During long intermissions of parliament, grievances and abuses, as was found by recent experience, would naturally creep in; and it would even become necessary for the king

g Clarendon, vol. i. p. 208.

and

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and council to exert a great diſcretionary authority, and, by acts of ſtate, to ſupply, in every emergence, the legiſlative power, whoſe meeting was ſo uncertain and precarious. Charles, finding that nothing leſs would ſatisfy his parliament and people, at laſt gave his aſſent to this bill, which produced ſo great an innovation in the conſtitution [h]. Solemn thanks were preſented him by both houſes. Great rejoicings were expreſſed both in the city and throughout the nation. And mighty profeſſions were everywhere made of gratitude and mutual returns of ſupply and confidence. This conceſſion of the king, it muſt be owned, was not entirely voluntary. It was of a nature too important to be voluntary. The ſole inference which his partizans were entitled to draw from the ſubmiſſions ſo frankly made to preſent neceſſity, was, that he had certainly adopted a new plan of government, and for the future was reſolved, by every indulgence, to acquire the confidence and affections of his people.

Charles thought, that what conceſſions were made to the public were of little conſequence, if no gratifications were beſtowed on individuals, who had acquired the direction of public counſels and determinations. A change of miniſters, as well as of meaſures, was therefore reſolved on. In one day, ſeveral new privy-counſellors were ſworn; the earls of Hertford, Bedford, Eſſex, Briſtol; the lords Say, Saville, Kimbolton. Within a few days after, was admitted the earl of Warwic [i]. All theſe noblemen were of the popular party; and ſome of them afterwards, when matters were puſhed to extremities by the commons, proved the greateſt ſupport of monarchy.

Juxon, biſhop of London, who had never deſired the treaſurer's ſtaff, now earneſtly ſolicited for leave to

h Clarendon, vol. i. p. 209. Whitlocke, p. 39. Ruſhworth, vol. v. p. 189.
i Clarendon, vol. i. p. 195.

reſign

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reſign it, and retire to the care of that turbulent diſtrict committed to him. The king gave his conſent; and it is remarkable, that, during all the ſevere enquiries carried on againſt the conduct of miniſters and prelates, the mild and prudent virtues of this man, who bore both theſe invidious characters, remained unmoleſted [k]. It was intended, that Bedford, a popular man, of great authority, as well as wiſdom and moderation, ſhould ſucceed Juxon: But that nobleman, unfortunately both for king and people, died about this very time. By ſome promotions, place was made for St John, who was created ſolicitor-general. Hollis was to be made ſecretary of ſtate, in the room of Windebank, who had fled: Pym chancellor of the exchequer, in the room of Lord Cottington, who had reſigned: Lord Say maſter of the wards, in the room of the ſame nobleman: The Earl of Eſſex governor; and Hambden tutor to the prince [l].

What retarded the execution of theſe projected changes, was the difficulty of ſatisfying all thoſe who, from their activity and authority in parliament, had pretenſions for offices, and who ſtill had it in their power to embarraſs and diſtreſs the public meaſures. Their aſſociates too in popularity, whom the king intended to diſtinguiſh by his favour, were unwilling to undergo the reproach of having driven a ſeparate bargain, and of ſacrificing to their own ambitious views, the cauſe of the nation. And as they were ſenſible that they muſt owe their preferment entirely to their weight and conſideration in parliament, they were moſt of them reſolved ſtill to adhere to that aſſembly, and both to promote its authority, and to preſerve their own credit in it. On all occaſions, they had no other advice to give the king, than to allow himſelf to be directed by his great council; or, in other words, to reſign himſelf paſſively to their

k Warwick, p. 95. l Clarendon, vol. i. p. 210, 211.

guidance

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guidance and government. And Charles found, that, instead of acquiring friends by the honours and offices which he should bestow, he should only arm his enemies with more power to hurt him.

The end on which the king was most intent in changing ministers, was to save the life of the earl of Strafford, and to mollify, by these indulgences, the rage of his most furious prosecutors. But so high was that nobleman's reputation for experience and capacity, that all the new counsellors and intended ministers plainly saw, that, if he escaped their vengeance, he must return into favour and authority; and they regarded his death as the only security which they could have, both for the establishment of their present power, and for success in their future enterprises. His impeachment, therefore, was pushed on with the utmost vigour; and, after long and solemn preparations, was brought to a final issue.

Strafford's trial.

Immediately after Strafford was sequestrated from parliament, and confined in the Tower, a committee of thirteen was chosen by the lower-house, and entrusted with the office of preparing a charge against him. These, joined to a small committee of lords, were vested with authority to examine all witnesses, to call for every paper, and to use any means of scrutiny, with regard to any part of the earl's behaviour and conduct [m]. After so general and unbounded an inquisition, exercised by such powerful and implacable enemies, a man must have been very cautious or very innocent not to afford, during the whole course of his life, some matter of accusation against him.

This committee, by direction from both houses, took an oath of secrecy; a practice very unusual, and which gave them the appearance of conspirators, more than ministers of justice [n]. But the intention

m Clarendon, vol. i. p. 192.

n Whitlocke, p. 37.

of

of this ſtrictneſs was to render it more difficult for the earl to elude their ſearch, or prepare for his juſtification. CHAP. LIV. 1640.

Application was made to the king, that he would allow this committee to examine privy-counſellors with regard to opinions delivered at the board: A conceſſion which Charles unwarily made, and which thenceforth baniſhed all mutual confidence from the deliberations of council; where every man is ſuppoſed to have entire freedom, without fear of future puniſhment or enquiry, of propoſing any expedient, queſtioning any opinion, or ſupporting any argument[o].

Sir George Ratcliffe, the earl's intimate friend and confident, was accuſed of high treaſon, ſent for from Ireland, and committed to cloſe cuſtody. As no charge ever appeared or was proſecuted againſt him, it is impoſſible to give a more charitable interpretation to this meaſure, than that the commons thereby intended to deprive Strafford, in his preſent diſtreſs, of the aſſiſtance of his beſt friend, who was moſt enabled, by his teſtimony, to juſtify the innocence of his patron's conduct and behaviour[p].

When intelligence arrived in Ireland of the plans laid for Strafford's ruin, the Iriſh houſe of commons, though they had very lately beſtowed ample praiſes on his adminiſtration, entered into all the violent counſels againſt him, and prepared a repreſentation of the miſerable ſtate into which, by his miſconduct, they ſuppoſed the kingdom to be fallen. They ſent over a committee to London to aſſiſt in the proſecution of their unfortunate governor; and by intimations from this committee, who entered into cloſe confederacy with the popular leaders in England, was every meaſure of the Iriſh parliament governed and directed. Impeachments, which were never proſecuted, were carried up againſt Sir Richard Bol-

[o] Clarendon, vol. i. p. 193. [p] Idem, vol. i. p. 214.

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ton the chancellor, Sir Gerard Louther chief juſtice, and Bramhall biſhop of Derry [q]. This ſtep, which was an exact counterpart to the proceedings in England, ſerved alſo the ſame purpoſes: It deprived the king of the miniſters whom he moſt truſted; it diſcouraged and terrified all the other miniſters; and it prevented thoſe perſons, who were beſt acquainted with Strafford's counſels, from giving evidence in his favour before the Engliſh parliament.

1641. The biſhops, being forbidden by the ancient canons to aſſiſt in trials for life, and being unwilling, by any oppoſition, to irritate the commons, who were already much prejudiced againſt them, thought proper, of themſelves, to withdraw [r]. The commons alſo voted, that the new-created peers ought to have no voice in this trial; becauſe the accuſation being agreed to while they were commoners, their conſent to it was implied with that of all the commons of England. Notwithſtanding this deciſion, which was meant only to deprive Strafford of ſo many friends, Lord Seymour, and ſome others, ſtill continued to keep their ſeat; nor was their right to it any farther queſtioned [s].

To beſtow the greater ſolemnity on this important trial, ſcaffolds were erected in Weſtminſter-hall; where both houſes ſat, the one as accuſers, the other as judges. Beſides the chair of ſtate, a cloſe gallery was prepared for the king and queen, who attended during the whole trial [t].

An accuſation, carried on by the united effort of three kingdoms, againſt one man, unprotected by power, unaſſiſted by counſel, diſcountenanced by au-

q Ruſh. vol. v. p. 214.
r Clarendon, vol. i. p. 216.
s Idem, ibid.
t Whitlocke, p. 40. Ruſh. vol. iv. p. 41. May, p. 90.

thority,

thority, was likely to prove a very unequal conteſt: Yet ſuch were the capacity, genius, preſence of mind diſplayed by this magnanimous ſtateſman, that, while argument, and reaſon, and law, had any place, he obtained an undiſputed victory. And he periſhed at laſt, overwhelmed and ſtill unſubdued, by the open violence of his fierce and unrelenting antagoniſts. CHA. LIV. 1641.

The articles of impeachment againſt Strafford are twenty-eight in number; and regard his conduct, as preſident of the council of York, as deputy or lieutenant of Ireland, and as counſellor or commander in England. But though four months were employed by the managers in framing the accuſation, and all Strafford's anſwers were extemporary, it appears from compariſon, not only that he was free from the crime of treaſon, of which there is not the leaſt appearance, but that his conduct, making allowance for human infirmities, expoſed to ſuch ſevere ſcruiny, was innocent, and even laudable. March 22.

The powers of the northern council, while he was preſident, had been extended, by the king's inſtructions, beyond what formerly had been practiſed: But that court being, at firſt, inſtituted by a ſtretch of royal prerogative, it had been uſual for the prince to vary his inſtructions; and the largeſt authority committed to it was altogether as legal as the moſt moderate and moſt limited. Nor was it reaſonable to conclude, that Strafford had uſed any art to procure thoſe extenſive powers, ſince he never once ſat as preſident, or exerciſed one act of juriſdiction, after he was inveſted with the authority ſo much complained of [u].

In the government of Ireland, his adminiſtration had been equally promotive of his maſter's intereſts, and that of the ſubjects committed to his care. A large debt he had paid off: He had left a conſiderable ſum in the exchequer: The revenue, which never

u Ruſh. vol. iv. p. 145.

before

CHAP. LIV. 1641.

before anſwered the charges of government, was now raiſed to be equal to them [w]. A ſmall ſtanding army, formerly kept in no order, was augmented, and was governed by exact diſcipline: And a great force was there raiſed and paid for the ſupport of the king's authority againſt the Scottiſh Covenanters.

Induſtry, and all the arts of peace, were introduced among that rude people: The ſhipping of the kingdom augmented a hundred fold [x]: The cuſtoms tripled upon the ſame rates [y]: The exports double in value to the imports: Manufactures, particularly that of linen, introduced and promoted [z]: Agriculture, by means of the Engliſh and Scottiſh plantations, gradually advancing: The Proteſtant religion encouraged, without the perſecution or diſcontent of the Catholics.

The ſprings of authority he had enforced without overſtraining them. Diſcretionary acts of juriſdiction, indeed, he had often exerted, by holding courts-martial, billetting ſoldiers, deciding cauſes upon paper-petitions before the council, iſſuing proclamations, and puniſhing their infraction. But diſcretionary authority, during that age, was uſually exerciſed even in England. In Ireland, it was ſtill more requiſite, among a rude people, not yet thoroughly ſubdued, averſe to the religion and manners of their conquerors, ready on all occaſions to relapſe into rebellion and diſorder. While the managers of the commons demanded every moment that the deputy's conduct ſhould be examined by the line of rigid law and ſevere principles, he appealed ſtill to the practice of all former deputies, and to the uncontroulable neceſſity of his ſituation.

w Ruſh. vol. iv. p. 120, 247. Warwick, p. 115

x Nalſon, vol. ii. p. 45.

y Ruſh. vol. iv. p. 124.

z Warwick, p. 115.

So

CHAP. LIV. 1641.

So great was his art of managing elections, and balancing parties, that he had engaged the Iriſh parliament to vote whatever was neceſſary, both for the payment of former debts, and for ſupport of the new-levied army; nor had he ever been reduced to the illegal expedients practiſed in England, for the ſupply of public neceſſities. No imputation of rapacity could juſtly lie againſt his adminiſtration. Some inſtances of imperious expreſſions, and even actions, may be met with. The caſe of Lord Mountnorris, of all thoſe which were collected with ſo much induſtry, is the moſt flagrant and the leaſt excuſable.

It had been reported at the table of lord chancellor Loftus, that Anneſley, one of the deputy's attendants, in moving a ſtool, had ſorely hurt his maſter's foot, who was at that time afflicted with the gout. *Perhaps*, ſaid Mountnorris, who was preſent at table, *it was done in revenge of that public affront which my lord deputy formerly put upon him*: BUT HE HAS A BROTHER WHO WOULD NOT HAVE TAKEN SUCH A REVENGE. This caſual, and ſeemingly innocent, at leaſt ambiguous, expreſſion, was reported to Strafford; who, on pretence that ſuch a ſuggeſtion might prompt Anneſley to avenge himſelf in another manner, ordered Mountnorris, who was an officer, to be tried by a court-martial for mutiny and ſedition againſt his general. The court, which conſiſted of the chief officers of the army, found the crime to be capital, and condemned that nobleman to loſe his head[a].

In vain did Strafford plead, in his own defence, againſt this article of impeachment, that the ſentence of Mountnorris was the deed, and that too unanimous, of the court, not the act of the deputy; that he ſpake not to a member of the court, nor voted in the cauſe, but ſat uncovered as a party, and then immediately withdrew, to leave them to their free-

a Ruſh. vol. iv. p. 187.

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dom; that ſenſible of the iniquity of the ſentence, he procured his majeſty's free pardon to Mountnorris; and that he did not even keep that nobleman a moment in ſuſpence with regard to his fate, but inſtantly told him, that he himſelf would ſooner loſe his right hand than execute ſuch a ſentence, nor was his lordſhip's life in any danger. In vain did Strafford's friends add, as a further apology, that Mountnorris was a man of an infamous character, who paid court by the loweſt adulation to all deputies while preſent, and blackened their character by the vileſt calumnies when recalled; and that Strafford, expecting like treatment, had uſed this expedient for no other purpoſe than to ſubdue the petulent ſpirit of the man. Theſe excuſes alleviate the guilt; but there ſtill remains enough to prove, that the mind of the deputy, though great and firm, had been not a little debauched by the riot of abſolute power, and uncontrouled authority.

When Strafford was called over to England, he found every thing falling into ſuch confuſion by the open rebellion of the Scots, and the ſecret diſcontents of the Engliſh, that if he had counſelled or executed any violent meaſure, he might perhaps have been able to apologize for his conduct, from the great law of neceſſity, which admits not, while the neceſſity is extreme, of any ſcruple, ceremony, or delay [b]. But in fact, no illegal advice or action was proved againſt him; and the whole amount of his guilt, during this period, was ſome peeviſh, or at moſt imperious, expreſſions, which, amidſt ſuch deſperate extremities, and during a bad ſtate of health, had unhappily fallen from him.

If Strafford's apology was, in the main, ſo ſatisfactory, when he pleaded to each particular article of the charge, his victory was ſtill more deciſive, when he

[b] Ruſh. vol. iv. p. 559.

brought

brought the whole together, and repelled the imputation of treaſon; the crime which the commons would infer from the full view of his conduct and behaviour. Of all ſpecies of guilt, the law of England had, with the moſt ſcrupulous exactneſs, defined that of treaſon; becauſe on that ſide it was found moſt neceſſary to protect the ſubject againſt the violence of the king and of his miniſters. In the famous ſtatute of Edward III. all the kinds of treaſon are enumerated, and every other crime, beſides ſuch as are there expreſsly mentioned, is carefully excluded from that appellation. But with regard to this guilt, *An endeavour to ſubvert the fundamental laws*, the ſtatute of treaſons is totally ſilent: And arbitrarily to introduce it into the fatal catalogue, is itſelf a ſubverſion of all law; and, under colour of defending liberty, reverſes a ſtatute the beſt calculated for the ſecurity of liberty that had ever been enacted by an Engliſh parliament. CHAP. LIV. 1641.

As this ſpecies of treaſon diſcovered by the commons, is entirely new and unknown to the laws; ſo is the ſpecies of proof by which they pretend to fix that guilt upon the priſoner. They have invented a kind of *accumulative* or *conſtructive* evidence, by which many actions either totally innocent in themſelves, or criminal in a much inferior degree, ſhall, when united, amount to treaſon, and ſubject the perſon to the higheſt penalties inflicted by the law. A haſty and unguarded word, a raſh and paſſionate action, aſſiſted by the malevolent fancy of the accuſer, and tortured by doubtful conſtructions, is tranſmuted into the deepeſt guilt; and the lives and fortunes of the whole nation, no longer protected by juſtice, are ſubjected to arbitrary will and pleaſure.

"Where has this ſpecies of guilt lain ſo long concealed?" ſaid Strafford in concluſion: "Where "has this fire been ſo long buried, during ſo many

CHAP. LIV. 1641.

" centuries, that no ſmoke ſhould appear till it burſt " out at once, to conſume me and my children? " Better it were to live under no law at all, and by " the maxims of cautious prudence, to conform our- " ſelves the beſt we can to the arbitrary will of a " maſter, than fancy we have a law on which we " can rely, and find at laſt, that this law ſhall inflict " a puniſhment precedent to the promulgation, and " try us by maxims unheard of till the very moment " of the proſecution. If I ſail on the Thames, and " ſplit my veſſel on an anchor; in caſe there be no " buoy to give warning, the party ſhall pay me da- " mages: But, if the anchor be marked out, then " is the ſtriking on it at my own peril. Where is " the mark ſet upon this crime? Where the token " by which I ſhould diſcover it? It has lain conceal- " ed under water; and no human prudence, no hu- " man innocence, could ſave me from the deſtruc- " tion with which I am at preſent threatened.

" It is now full two hundred and forty years ſince " treaſons were defined; and ſo long has it been " ſince any man was touched to this extent upon this " crime before myſelf. We have lived, my lords, " happily to ourſelves at home: We have lived glo- " rioufly abroad to the world: Let us be content " with what our fathers have left us: Let not our " ambition carry us to be more learned than they " were in theſe killing and deſtructive arts. Great " wiſdom it will be in your lordſhips, and juſt pro- " vidence, for yourſelves, for your poſterities, for " the whole kingdom, to caſt from you into the fire " theſe bloody and myſterious volumes of arbitrary " and conſtructive treaſons, as the primitive Chriſti- " ans did their books of curious arts, and betake " yourſelves to the plain letter of the ſtatute, which " tells you where the crime is, and points out to you " the path by which you may avoid it.

" Let

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" Let us not, to our own deſtruction, awake " thoſe ſleeping lions, by rattling up a company of " old records, which have lain for ſo many ages by " the wall, forgotten and neglected. To all my af- " flictions, add not this, my lords, the moſt ſevere " of any, that I, for my other ſins, not for my " treaſons, be the means of introducing a precedent " ſo pernicious to the laws and liberties of my na- " tive country.

" However theſe gentlemen at the bar ſay they " ſpeak for the commonwealth, and they believe " ſo; yet, under favour, it is I who, in this parti- " cular, ſpeak for the commonwealth. Precedents, " like thoſe which are endeavoured to be eſtabliſh- " ed againſt me, muſt draw along ſuch inconveni- " encies and miſeries, that, in a few years, the king- " dom will be in the condition expreſſed in a ſtatute " of Henry IV.; and no man ſhall know by what " rule to govern his words and actions.

" Impoſe not, my lords, difficulties inſurmount- " able upon miniſters of ſtate, nor diſable them from " ſerving with cheerfulneſs their king and country. " If you examine them, and under ſuch ſevere pe- " nalties, by every grain, by every little weight, " the ſcrutiny will be intolerable. The public af- " fairs of the kingdom muſt be left waſte; and no " wiſe man, who has any honour or fortune to loſe, " will ever engage himſelf in ſuch dreadful, ſuch un- " known perils.

" My lords, I have now troubled your lordſhips " a great deal longer than I ſhould have done.— " Were it not for the intereſt of theſe pledges, which " a ſaint in Heaven left me, I ſhould be loth"— Here he pointed to his children, and his weeping ſtopped him. " What I forfeit for myſelf, it is no- " thing: But, I confeſs, that my indiſcretion ſhould " forfeit for them, it wounds me very deeply. You " will be pleaſed to pardon my infirmity: Something

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" I ſhould have ſaid; but I ſee I ſhall not be able, " and therefore I ſhall leave it.

" And now, my lords, I thank God I have been, " by his bleſſing, ſufficiently inſtructed in the ex- " treme vanity of all temporary enjoyments, com- " pared to the importance of our eternal duration. " And ſo, my lords, even ſo, with all humility, and " with all tranquillity of mind, I ſubmit, clearly " and freely, to your judgments: And whether that " righteous doom ſhall be to life or death, I ſhall re- " poſe myſelf, full of gratitude and confidence, in " the arms of the great Author of my exiſtence [c]."

Certainly, ſays Whitlocke [d], with his uſual candour, *never any man acted ſuch a part, on ſuch a theatre, with more wiſdom, conſtancy, and eloquence, with greater reaſon, judgment, and temper, and with a better grace in all his words and actions, than did this great and excellent perſon; and he moved the hearts of all his auditors, ſome few excepted, to remorſe and pity.* It is remarkable, that the hiſtorian, who expreſſes himſelf in theſe terms, was himſelf chairman of that committee which conducted the impeachment againſt this unfortunate ſtateſman. The accuſation and defence laſted eighteen days. The managers divided the ſeveral articles among them, and attacked the priſoner with all the weight of authority, with all the vehemence of rhetoric, with all the accuracy of long preparation. Strafford was obliged to ſpeak with deference and reſerve towards his moſt inveterate enemies, the commons, the Scottiſh nation, and the Iriſh parliament. He took only a very ſhort time, on each article, to recollect himſelf: Yet he alone, without aſſiſtance, mixing modeſty and humility with firmneſs and vigour, made ſuch a defence

[c] Ruſh. vol. iv. p. 659, &c. [d] Page 41.

that

that the commons ſaw it impoſſible, by a legal pro- CHAP. LIV.
ſecution, ever to obtain a ſentence againſt him. 1641.

But the death of Strafford was too important a ſtroke of party to be left unattempted by any expedient, however extraordinary. Beſides the great genius and authority of that miniſter, he had threatened ſome of the popular leaders with an impeachment; and, had he not, himſelf, been ſuddenly prevented by the impeachment of the commons, he had, that very day, it was thought, charged Pym, Hambden, and others, with treaſon, for having invited the Scots to invade England. A bill of attainder was therefore brought into the lower houſe immediately after finiſhing theſe pleadings; and preparatory to it, a new proof of the earl's guilt was produced, in order to remove ſuch ſcruples as might be entertained with regard to a method of proceeding ſo unuſual and irregular.

Sir Henry Vane, ſecretary, had taken ſome notes of a debate in council, after the diſſolution of the laſt parliament; and being at a diſtance, he had ſent the keys of his cabinet, as was pretended, to his ſon, Sir Henry, in order to ſearch for ſome papers, which were neceſſary for completing a marriage-ſettlement. Young Vane, falling upon this paper of notes, deemed the matter of the utmoſt importance; and immediately communicated it to Pym, who now produced the paper before the houſe of commons. The queſtion before the council was, *Offenſive or defenſive war with the Scots?* The king propoſes this difficulty, "But how can I undertake offenſive war, "if I have no more money?" The anſwer aſcribed to Strafford was in theſe words: "Borrow of the city "a hundred thouſand pounds: Go on vigorouſly "to levy ſhip-money. Your majeſty having tried "the affections of your people, you are abſolved "and looſe from all rules of government, and may "do what power will admit. Your majeſty, having

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"tried all ways, ſhall be acquitted before God and "man. And you have an army in Ireland, which "you may employ to reduce THIS kingdom to obe- "dience: For I am confident the Scots cannot hold "out five months." There followed ſome counſels of Laud and Cottington, equally violent, with regard to the king's being abſolved from all rules of government [e].

This paper, with all the circumſtances of its diſcovery and communication, was pretended to be equivalent to two witneſſes, and to be an unanſwerable proof of thoſe pernicious counſels of Strafford, which tended to the ſubverſion of the laws and conſtitution. It was replied by Strafford and his friends, That old Vane was his moſt inveterate and declared enemy; and if the ſecretary himſelf, as was by far moſt probable, had willingly delivered to his ſon this paper of notes, to be communicated to Pym, this implied ſuch a breach of oaths and of truſt as rendered him totally unworthy of all credit: That the ſecretary's depoſition was at firſt exceedingly dubious: Upon two examinations, he could not remember any ſuch words: Even the third time, his teſtimony was not poſitive, but imported only, that Strafford had ſpoken ſuch or ſuch-like words: And words may be very like in ſound, and differ much in ſenſe; nor ought the lives of men to depend upon grammatical criticiſms of any expreſſions, much leſs of thoſe which had been delivered by the ſpeaker without premeditation, and committed by the hearer for any time, however ſhort, to the uncertain record of memory: That, in the preſent caſe, changing *This kingdom* into *That kingdom*, a very ſlight alteration! the earl's diſcourſe could regard nothing but Scotland, and implies no advice unworthy of an Engliſh counſellor;

[e] Clarendon, vol. i. p. 223, 229, 230, &c. Whitlocke, p. 41. May, p. 93.

That

That even retaining the expreſſion, *This kingdom*, the words may fairly be underſtood of Scotland, which alone was the kingdom that the debate regarded, and which alone had thrown off allegiance, and could be reduced to obedience: That it could be proved, as well by the evidence of all the king's miniſters, as by the known diſpoſition of the forces, that the intention never was to land the Iriſh army in England, but in Scotland: That of ſix other counſellors preſent, Laud and Windebank could give no evidence; Northumberland, Hamilton, Cottington, and Juxon, could recollect no ſuch expreſſion; and the advice was too remarkable to be eaſily forgotten: That it was nowiſe probable ſuch a deſperate counſel would be openly delivered at the board, and before Northumberland, a perſon of that high rank, and whoſe attachments to the court were ſo much weaker than his connections with the country: That though Northumberland, and he alone, had recollected ſome ſuch expreſſion as that *Of being abſolved from rules of government*, yet, in ſuch deſperate extremities as thoſe into which the king and kingdom were then fallen, a maxim of that nature, allowing it to be delivered by Straſford, may be defended, upon principles the moſt favourable to law and liberty: And that nothing could be more iniquitous, than to extract an accuſation of treaſon from an opinion ſimply propoſed at the council table, where all freedom of debate ought to be permitted, and where it was not unuſual for the members, in order to draw forth the ſentiments of others, to propoſe counſels very remote from their own ſecret advice and judgment [f].

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The evidence of Secretary Vane, though expoſed to ſuch unſurmountable objections, was the real cauſe of Straſford's unhappy fate: and made the bill of attainder paſs the commons with no greater oppoſition

Bill of attainder.

[f] Ruſhworth, vol. iv. p. 560.

than

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than that of fifty-nine diſſenting votes. But there remained two other branches of the legiſlature, the king and the lords, whoſe aſſent was requiſite; and theſe, if left to their free judgment, it was eaſily foreſeen, would reject the bill without ſcruple or deliberation. To overcome this difficulty, the popular leaders employed expedients, for which they were beholden, partly to their own induſtry, partly to the indiſcretion of their adverſaries.

Next Sunday after the bill paſſed the commons, the puritanical pulpits reſounded with declamations concerning the neceſſity of executing juſtice upon great delinquents[g]. The populace took the alarm. About ſix thouſand men, armed with ſwords and cudgels, flocked from the city, and ſurrounded the houſes of parliament[h]. The names of the fifty-nine commoners who had voted againſt the bill of attainder were poſted up under the title of *Straffordians, and betrayers of their country*. Theſe were expoſed to all the inſults of the ungovernable multitude.—When any of the lords paſſed, the cry for *Juſtice* againſt Strafford reſounded in their ears: And ſuch as were ſuſpected of friendſhip to that obnoxious miniſter, were ſure to meet with menaces, not unaccompanied with ſymptoms of the moſt deſperate reſolutions in the furious populace[i].

Complaints in the houſe of commons being made againſt theſe violences as the moſt flagrant breach of privilege, the ruling members, by their affected coolneſs and indifference, ſhowed plainly that the popular tumults were not diſagreeable to them[k]. But a new diſcovery, made about this time, ſerved to throw every thing into ſtill greater flame and combuſtion.

Some principal officers, Piercy, Jermyn, O'Neale, Goring, Wilmot, Pollard, Aſhburnham, partly attached to the court, partly diſguſted with the parlia-

g Whitlocke, p. 43.
h Idem, ibid,
i Clarendon, vol. i. p. 232. 256. Ruſh. vol. v. p. 248, 1279.
k Whitlocke, ut ſupra.

ment

ment, had formed a plan of engaging into the king's ſervice the Engliſh army, whom they obſerved to be diſpleaſed at ſome marks of preference given by the commons to the Scots. For this purpoſe, they entered into an aſſociation, took an oath of ſecrecy, and kept a cloſe correſpondence with ſome of the king's ſervants. The form of a petition to the king and parliament was concerted; and it was intended to get this petition ſubſcribed by the army. The petitioners there repreſent the great and unexampled conceſſions made by the king for the ſecurity of public peace and liberty; the endleſs demands of certain inſatiable and turbulent ſpirits, whom nothing leſs will content than a total ſubverſion of the antient conſtitution; the frequent tumults which theſe factious malcontents had excited, and which endangered the liberty of parliament. To prevent theſe miſchiefs, the army offered to come up and guard that aſſembly. "So ſhall the nation," as they expreſs themſelves in the concluſion, "not only be vindi-"cated from preceding innovations, but be ſecured "from the future, which are threatened, and which "are likely to produce more dangerous effects than "the former[1]" The draught of this petition being conveyed to the king, he was prevailed on, ſomewhat imprudently, to counterſign it himſelf, as a mark of his approbation. But as ſeveral difficulties occurred, the project was laid aſide two months before any public diſcovery was made of it.

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It was Goring who betrayed the ſecret to the popular leaders. The alarm may eaſily be imagined which this intelligence conveyed. Petitions from the military to the civil power are always looked on as diſguiſed, or rather undiſguiſed commands; and are of a nature widely different from petitions preſented by any other rank of men. Pym opened the

1 Clarendon, vol. i. p. 247. Whitlocke, p. 43.

matter

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matter in the houſe [m]. On the firſt intimation of a diſcovery, Piercy concealed himſelf, and Jermyn withdrew beyond ſea. This farther confirmed the ſuſpicion of a dangerous conſpiracy. Goring delivered his evidence before the houſe: Piercy wrote a letter to his brother Northumberland, confeſſing moſt of the particulars [n]. Both their teſtimonies agree with regard to the oath of ſecrecy; and as this circumſtance had been denied by Pollard, Aſhburnham, and Wilmot, in all their examinations, it was regarded as a new proof of ſome deſperate reſolutions which had been taken.

To convey more quickly the terror and indignation at this plot, the commons voted, that a proteſtation ſhould be ſigned by all the members. It was ſent up to the lords, and ſigned by all of them, except Southampton and Robarts. Orders were given by the commons alone, without other authority, that it ſhould be ſubſcribed by the whole nation. The proteſtation was in itſelf very inoffenſive, even inſignificant; and contained nothing but genearal declarations, that the ſubſcribers would defend their religion and liberties [o]. But it tended to increaſe the popular panic, and intimated, what was more expreſsly declared in the preamble, that theſe bleſſings were now expoſed to the utmoſt peril.

Alarms were every day given of new conſpiracies [p]: In Lancaſhire, great multitudes of Papiſts were aſſembling: Secret meetings were held by them in caves and under-ground in Surrey: They had entered into a plot to blow up the river with gunpowder, in order to drown the city [q]: Proviſions of arms were making beyond ſea: Sometimes France, ſometimes Denmark, was forming deſigns againſt the kingdom: And the populace, who are always ter-

m Ruſh vol. v. p 240.
n Idem, ibid. p. 255.
o Clarendon, vol. 1. p. 252. Ruſh. vol. v. p. 241. Warwick, p .180.
p Dugdale, p. 69. Franklyn, p. 901.
q Sir Edw. Walker, p. 349.

rified

rified with preſent, and enraged with diſtant dangers, were ſtill farther animated in their demands of juſtice againſt the unfortunate Strafford. CHAP. LIV. 1641.

The king came to the houſe of lords: And, tho' he expreſſed his reſolution, for which he offered them any ſecurity, never again to employ Strafford in any branch of public buſineſs, he profeſſed himſelf totally diſſatisfied with regard to the circumſtance of treaſon, and on that account declared his difficulty in giving his aſſent to the bill of attainder[r]. The commons took fire, and voted it a breach of privilege for the king to take notice of any bill depending before the houſes. Charles did not perceive that his attachment to Strafford was the chief motive for the bill; and that the greater proofs he gave of anxious concern for this miniſter, the more inevitable did he render his deſtruction.

About eighty peers had conſtantly attended Strafford's trial; but ſuch apprehenſions were entertained on account of the popular tumults, that only forty-five were preſent when the bill of attainder was brought into the houſe. Yet, of theſe, nineteen had the courage to vote againſt it[s]. A certain proof, that, if entire freedom had been allowed, the bill had been rejected by a great majority.

In carrying up the bill to the lords, St John, the ſolicitor-general, advanced two topics, well ſuited to the fury of the times; that though the teſtimony againſt Strafford were not clear, yet, in this way of bill, private ſatisfaction to each man's conſcience was ſufficient, even ſhould no evidence at all be produced; and that the earl had no title to plead law, becauſe he had broken the law. It is true, added he, we give law to hares and deer, for they are beaſts of chace. But it was never accounted either

r Ruſhworth, vol. v. p. 239. s Whitlocke, p. 43.

cruel

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cruel or unfair to deſtroy foxes or wolves, wherever they can be found, for they are beaſts of prey [t].

After popular violence had prevailed over the lords, the ſame battery was next applied to force the king's aſſent. The populace flocked about Whitehall, and accompanied their demand of juſtice with the loudeſt clamours, and moſt open menaces. Rumours of conſpiracies againſt the parliament were anew ſpread abroad, invaſions and inſurrections talked of; and the whole nation was raiſed into ſuch a ferment, as threatened ſome great and imminent convulſion. On whichever ſide the king caſt his eyes, he ſaw no reſource or ſecurity. All his ſervants, conſulting their own ſafety rather than their maſter's honour, declined interpoſing with their advice between him and his parliament. The queen, terrified with the appearance of ſo mighty a danger, and bearing formerly no good-will to Strafford, was in tears, and preſſed him to ſatisfy his people in this demand, which, it was hoped, would finally content them. Juxon alone, whoſe courage was not inferior to his other virtues, ventured to adviſe him, if, in his conſcience, he did not approve of the bill, by no means to aſſent to it [u].

Strafford, hearing of Charles's irreſolution and anxiety, took a very extraordinary ſtep: He wrote a letter, in which he entreated the king, for the ſake of public peace, to put an end to his unfortunate, however innocent life, and to quiet the tumultuous people by granting them the requeſt for which they were ſo importunate [w]. "In this," added he, "my conſent will more acquit you to God than all "the world can do beſides. To a willing man "there is no injury. And as, by God's grace, I "forgive all the world with a calmneſs and meek-"neſs, of infinite contentment to my diſlodging

t Clarendon, vol. i. p. 232.
u Ibid. p. 257. Warwick, p. 160.
w Clarendon, vol. i. p. 258. Ruſh. vol. v. p. 251.

"ſoul;

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« ſoul; ſo, Sir, to you, I can reſign the life of this « world with all imaginable cheerfulneſs, in the juſt « acknowledgment of your exceeding favours." Perhaps, Strafford hoped, that this unuſual inſtance of generoſity would engage the king ſtill more ſtrenuouſly to protect him: Perhaps he gave his life for loſt; and, finding himſelf in the hands of his enemies, and obſerving that Balfour, the lieutenant of the Tower, was devoted to the popular party [x], he abſolutely deſpaired of ever eſcaping the multiplied dangers with which he was every way environed. We might aſcribe this ſtep to a noble effort of diſintereſtedneſs, not unworthy the great mind of Strafford, if the meaſure which he adviſed had not been, in the event, as pernicious to his maſter, as it was immediately fatal to himſelf [y].

After the moſt violent anxiety and doubt, Charles at laſt granted a commiſſion to four noblemen to give the royal aſſent, in his name, to the bill: Flattering himſelf, probably, in this extremity of diſtreſs, that, as neither his will conſented to the deed, nor was his hand immediately engaged in it, he was the more free from all the guilt which attended it. Theſe commiſſioners he empowered, at the ſame time, to give his aſſent to the bill which rendered the parliament perpetual.

The commons, from policy rather than neceſſity, had embraced the expedient of paying the two armies by borrowing money from the city, and theſe loans they had repaid afterwards by taxes levied upon the people. The citizens, either of themſelves or by ſuggeſtion, began to ſtart difficulties with regard to a farther loan which was demanded. We make no ſcruple of truſting the parliament, ſaid they, were we certain that the parliament were to continue till our repayment. But, in the preſent preca-

x Whitlocke, p. 44. Franklyn, p. 896.

y See note [AA] at the end of the volume.

rious

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rious ſituation of affairs, what ſecurity can be given us for our money? In pretence of obviating this objection, a bill was ſuddenly brought into the houſe, and paſſed with great unanimity and rapidity, that the parliament ſhould not be diſſolved, prorogued, or adjourned, without their own conſent. It was hurried in like manner through the houſe of peers, and was inſtantly carried to the king for his aſſent. Charles, in the agony of grief, ſhame, and remorſe, for Strafford's doom, perceived not that this other bill was of ſtill more fatal conſequence to his authority, and rendered the power of his enemies perpetual, as it was already uncontroulable [z]. In compariſon of the bill of attainder, by which he deemed himſelf an accomplice in his friend's murder, this conceſſion made no figure in his eyes [a]; a circumſtance which, if it leſſen our idea of his reſolution or penetration, ſerves to prove the integrity of his heart, and the goodneſs of his diſpoſition. It is indeed certain, that ſtrong compunction for his conſent to Strafford's execution attended this unfortunate prince during the remainder of his life; and even at his own fatal end, the memory of this guilt, with great ſorrow and remorſe, recurred upon him. All men were ſo ſenſible of the extreme violence which was done him, that he ſuffered the leſs, both in character and intereſt, from this unhappy meaſure; and though he abandoned his beſt friend, yet was he ſtill able to preſerve, in ſome degree, the attachment of all his adherents.

Secretary Carleton was ſent by the king to inform Strafford of the final reſolution which neceſſity had extorted from him. The earl ſeemed ſurpriſed, and, ſtarting up, exclaimed, in the words of Scripture, *Put not your truſt in princes, nor in the ſons of men: For in them there is no ſalvation* [b]. He was ſoon able,

z Clarendon, vol. i. p. 261, 262. Ruſhworth, vol. v. p. 264.
a See note [BB] at the end of the volume. b Whitlocke, p. 44.

however,

however, to collect his courage; and he prepared himself to suffer the fatal sentence. Only three days interval was allowed him. The king, who made a new effort in his behalf, and sent, by the hands of the young prince, a letter addressed to the peers, in which he entreated them to confer with the commons about a mitigation of Strafford's sentence, and begged at least for some delay, was refused in both requests [c].

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Execution of Strafford.

Strafford, in passing from his apartment to Tower-hill, where the scaffold was erected, stopped under Laud's windows, with whom he had long lived in intimate friendship; and entreated the assistance of his prayers, in those awful moments which were approaching: The aged primate dissolved in tears; and having pronounced, with a broken voice, a tender blessing on his departing friend, sunk into the arms of his attendants [d]. Strafford, still superior to his fate, moved on with an elated countenance, and with an air even of greater dignity than what usually attended him. He wanted that consolation which commonly supports those who perish by the stroke of injustice and oppression: He was not buoyed up by glory, nor by the affectionate compassion of the spectators: Yet his mind, erect and undaunted, found resources within itself, and maintained its unbroken resolution amidst the terrors of death, and the triumphant exultations of his misguided enemies. His discourse on the scaffold was full of decency and courage. "He feared," he said, "that the omen was "bad for the intended reformation of the state, that "it commenced with the shedding of innocent blood." Having bid a last adieu to his brother, and friends who attended him, and having sent a blessing to his nearer relations who were absent; "And now," said he, "I have nigh done! One stroke will make my "wife a widow, my dear children fatherless, de-

c Rush. vol. v. p. 265. d Nalson, vol. ii. p. 198.

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"prive my poor ſervants of their indulgent maſter, "and ſeparate me from my affectionate brother, and "all my friends! But let God be to you and them "all in all!" Going to diſrobe, and prepare himſelf for the block, "I thank God," ſaid he, "that "I am nowiſe afraid of death, nor am daunted with "any terrors; but do as cheerfully lay down my "head at this time, as ever I did when going to re-"poſe!" With one blow was a period put to his life by the executioner[e].

Thus periſhed, in the 49th year of his age, the earl of Strafford, one of the moſt eminent perſonages that has appeared in England. Though his death was loudly demanded as a ſatisfaction to juſtice, and an attonement for the many violations of the conſtitution; it may ſafely be affirmed, that the ſentence by which he fell, was an enormity greater than the worſt of thoſe which his implacable enemies proſecuted with ſo much cruel induſtry. The people, in their rage, had totally miſtaken the proper object of their reſentment. All the neceſſities, or, more properly ſpeaking, the difficulties by which the king had been induced to uſe violent expedients for raiſing ſupply, were the reſult of meaſures previous to Strafford's favour; and if they aroſe from ill conduct, he, at leaſt, was entirely innocent. Even thoſe violent expedients themſelves, which occaſioned the complaint that the conſtitution was ſubverted, had been, all of them, conducted, ſo far as appeared, without his counſel or aſſiſtance. And whatever his private advice might be[f], this ſalutary maxim he failed not, often and publicly, to inculcate in the king's preſence, that, if any inevitable neceſſity ever obliged the ſovereign to violate the laws, this licenſe ought

e Ruſhworth, vol. v. p. 267.

f That Strafford was ſecretly no enemy to arbitrary counſels, appears from ſome of his letters and diſpatches, particularly, vol. ii. p. 60. where he ſeems to wiſh that a ſtanding army were eſtabliſhed.

to

to be practiſed with extreme reſerve, and, as ſoon as poſſible, a juſt atonement be made to the conſtitution, for any injury which it might ſuſtain from ſuch dangerous precedents[g]. The firſt parliament after the reſtoration reverſed the bill of attainder; and even a few weeks after Strafford's execution, this very parliament remitted to his children the more ſevere conſequences of his ſentence; as if conſcious of the violence with which the proſecution had been conducted. 1641.

In vain did Charles expect, as a return for ſo many inſtances of unbounded compliance, that the parliament would at laſt ſhow him ſome indulgence, and would cordially fall into that unanimity, to which, at the expence of his own power, and of his friend's life, he ſo earneſtly courted them. All his conceſſions were poiſoned by their ſuſpicion of his want of cordiality; and the ſuppoſed attempt to engage the army againſt them, ſerved with many as a confirmation of this jealouſy. It was natural for the king to ſeek ſome reſource, while all the world ſeemed to deſert him, or combine againſt him; and this probably was the utmoſt of that embryo-ſcheme which was formed with regard to the army. But the popular leaders ſtill inſiſted, that a deſperate plot was laid to bring up the forces immediately, and offer violence to the parliament: A deſign of which Piercy's evidence acquits the king, and which the near neighbourhood of the Scottiſh army ſeems to render abſolutely impracticable[h]. By means, however, of theſe

g Ruſhworth, vol. iv. p. 567, 568, 569, 570.

h The project of bringing up the army to London, according to Piercy, was propoſed to the king; but he rejected it as fooliſh: Becauſe the Scots, who were in arms, and lying in their neighbourhood, muſt be at London as ſoon as the Engliſh army. This reaſon is ſo ſolid and convincing, that it leaves no room to doubt of the veracity of Piercy's evidence; and conſequently acquits the king of this terrible plot of bringing up the army, which made ſuch a noiſe at the time, and was a pretence for ſo many violences.

CHAP. LIV. 1641.

ſuſpicions, was the ſame implacable ſpirit ſtill kept alive, and the commons, without giving the king any ſatisfaction in the ſettlement of his revenue, proceeded to carry their inroads, with great vigour, into his now defenceleſs prerogative [i].

High commiſſion and ſtar-chamber aboliſhed.

The two ruling paſſions of this parliament, were zeal for liberty, and an averſion to the church; and to both of theſe, nothing could appear more exceptionable than the court of high commiſſion, whoſe inſtitution rendered it entirely arbitrary, and aſſigned to it the defence of the eccleſiaſtical eſtabliſhment. The ſtar-chamber alſo was a court, which exerted high diſcretionary powers; and had no preciſe rule or limit, either with regard to the cauſes which came under its juriſdiction, or the deciſions which it formed. A bill unanimouſly paſſed the houſes to aboliſh theſe two courts; and, in them, to annihilate the principal and moſt dangerous articles of the king's prerogative. By the ſame bill, the juriſdiction of the council was regulated, and its authority abridged [k]. Charles heſitated before he gave his aſſent. But finding that he had gone too far to retreat, and that he poſſeſſed no reſource in caſe of a rupture, he at laſt affixed the royal ſanction to this excellent bill. But to ſhow the parliament, that he was ſufficiently appriſed of the importance of his grant, he obſerved to them, that this ſtatute altered in a great meaſure the fundamental laws, eccleſiaſtical and civil, which many of his predeceſſors had eſtabliſhed [l].

By removing the ſtar-chamber, the king's power of binding the people by his proclamations, was indirectly aboliſhed; and that important branch of prerogative, the ſtrong ſymbol of arbitrary power, and

i Clarendon, vol. i. p. 266.
k Idem, ibid, p. 283, 284. Whitlocke, p. 47. Ruſhworth, vol. iii. p. 1383, 1384.
l Ruſhworth, vol. v. p. 307.

unintelligible

unintelligible in a limited conſtitution, being at laſt removed, left the ſyſtem of government more conſiſtent and uniform. The ſtar-chamber alone was accuſtomed to puniſh infractions of the king's edicts: But as no courts of judicature now remained, except thoſe in Weſtminſter-hall, which take cognizance only of common and ſtatute law, the king may thenceforth iſſue proclamations, but no man is bound to obey them. It muſt, however, be confeſſed, that the experiment here made by the parliament, was not a little raſh and adventurous. No government, at that time, appeared in the world, nor is perhaps to be found in the records of any hiſtory, which ſubſiſted without the mixture of ſome arbitrary authority, committed to ſome magiſtrate, and it might reaſonably, beforehand, appear doubtful, whether human ſociety could ever reach that ſtate of perfection, as to ſupport itſelf with no other controul than the general and rigid maxims of law and equity. But the parliament juſtly thought, that the king was too eminent a magiſtrate to be truſted with diſcretionary power, which he might ſo eaſily turn to the deſtruction of liberty. And in the event it has hitherto been found, that, though ſome ſenſible inconveniencies ariſe from the maxim of adhering ſtrictly to law, yet the advantages overbalance them, and ſhould render the Engliſh grateful to the memory of their anceſtors, who, after repeated conteſts, at laſt eſtabliſhed that noble, though dangerous principle.

CHAP. LIV. 1641.

At the requeſt of the parliament, Charles, inſtead of the patents during pleaſure, gave all the judges patents during their good behaviour [m]: A circumſtance of the greateſt moment towards ſecuring their independency, and barring the entrance of arbitrary power into the ordinary courts of judicature.

m May, p. 107.

CHAP. LIV. 1641.

The marſhal's court, which took cognizance of offenſive words, and was not thought ſufficiently limited by law, was alſo, for that reaſon, aboliſhed[n]. The ſtannary courts, which exerciſed juriſdiction over the miners, being liable to a like objection, underwent a like fate. The abolition of the council of the north and the council of Wales followed from the ſame principles. The authority of the clerk of the market, who had a general inſpection over the weights and meaſures throughout the kingdom, was transferred to the mayors, ſheriffs, and ordinary magiſtrates.

In ſhort, if we take a ſurvey of the tranſactions of this memorable parliament, during the firſt period of its operations, we ſhall find, that, excepting Strafford's attainder, which was a complication of cruel iniquity, their merits, in other reſpects, ſo much outweigh their miſtakes, as to entitle them to praiſe from all lovers of liberty. Not only were former abuſes remedied, and grievances redreſſed: Great proviſion, for the future, was made by law againſt the return of like complaints. And if the means by which they obtained ſuch advantages, favour often of artifice, ſometimes of violence, it is to be conſidered, that revolutions of government cannot be effected by the mere force of argument and reaſoning: And that factions being once excited, men can neither ſo firmly regulate the tempers of others, nor their own, as to enſure themſelves againſt all exorbitancies.

The parliament now came to a pauſe. The king had promiſed his Scottiſh ſubjects, that he would this ſummer pay them a viſit, in order to ſettle their government; and though the Engliſh parliament was very importunate with him, that he ſhould lay aſide that journey, they could not prevail with him ſo much as to delay it. As he muſt neceſſarily in his

n Nalſon, vol. i. p. 778.

journey

journey have paſſed through the troops of both nations, the commons ſeem to have entertained great jealouſy on that account, and to have now hurried on, as much as they formerly delayed, the diſbanding of the armies. The arrears therefore of the Scots were fully paid them; and thoſe of the Engliſh in part. The Scots returned home, and the Engliſh were ſeparated into their ſeveral counties, and diſmiſſed.

CHAP. LIV.

1641.

8th of Aug. King's journey to Scotland.

After this the parliament adjourned to the 20th of October; and a committee of both houſes, a thing unprecedented, was appointed to ſit during the receſs, with very ample powers[o]. Pym was elected chairman of the committee of the lower houſe. Farther attempts were made by the parliament, while it ſat, and even by the commons alone, for aſſuming ſovereign executive powers, and publiſhing their ordinances, as they called them, inſtead of laws. The committee too, on their part, was ready to imitate the example.

9th of Sept.

A ſmall committee of both houſes was appointed to attend the king into Scotland, in order, as was pretended, to ſee that the articles of pacification were executed; but really to be ſpies upon him, and extend ſtill farther the ideas of parliamentary authority, as well as eclipſe the majeſty of the king. The earl of Bedford, Lord Howard, Sir Philip Stapleton, Sir William Armyne, Fienes, and Hambden, were the perſons choſen[p].

Endeavours were uſed, before Charles's departure, to have a protector of the kingdom appointed, with a power to paſs laws without having recourſe to the king. So little regard was now paid to royal authority, or to the eſtabliſhed conſtitution of the kingdom.

Amidſt the great variety of affairs, which occurred during this buſy period, we have almoſt overlooked

o Ruſhworth, vol. v. p. 387.

p Ibid. p. 376.

CHAP. LIV. 1641.

the marriage of the Princeſs Mary with William prince of Orange. The king concluded not this alliance without communicating his intentions to the parliament, who received the propoſal with ſatisfaction [q]. This was the commencement of the connections with the family of Orange: Connections, which were afterwards attended with the moſt important conſequences, both to the kingdom and to the houſe of Stuart.

q Whitlocke, p. 38.

CHAP.

CHAP. LV.

Settlement of Scotland——Conſpiracy in Ireland——Inſurrection and maſſacre——Meeting of the Engliſh parliament——The remonſtrance——Reaſons on both ſides——Impeachment of the biſhops——Accuſation of the five members——Tumults——King leaves London——Arrives in York——Preparations for civil war.

CHAP. LV. 1641.

THE Scots, who bagan theſe fatal commotions, thought that they had finiſhed a very perilous undertaking, much to their profit and reputation. Beſides the large pay voted them for lying in good quarters during a twelvemonth, the Engliſh parliament had conferred on them a preſent of 300,000 l. for their brotherly aſſiſtance [r]. In the articles of pacification, they were declared to have ever been good ſubjects; and their military expeditions were approved of, as enterprizes calculated and intended for his majeſty's honour and advantage. To carry farther the triumph over their ſovereign, theſe terms, ſo ignominious to him, were ordered by a vote of parliament, to be read in all churches upon a day of thankſgiving, appointed for the national pacification [s]: All their claims for the reſtriction of prerogative, were agreed to be ratified: And what they more valued than all theſe advantages, they had a near proſpect of ſpreading the Preſbyterian diſcipline in England and Ireland, from the ſeeds which they had ſcattered of their religious principles. Never did refined

r Nalſon, vol. . p. 747. May, p. 104.

s Ruſhworth, vol. v. p. 365. Clarendon, vol. ii. p. 293.

Athens

CHAP. LV. 1641.

Athens ſo exult in diffuſing the ſciences and liberal arts over a ſavage world; never did generous Rome ſo pleaſe herſelf in the view of law and order eſtabliſhed by her victorious arms; as the Scots now rejoiced in communicating their barbarous zeal and theological fervour to the neighbouring nations.

Aug. 14. Settlement of Scotland.

Charles, deſpoiled in England of a conſiderable part of his authority, and dreading ſtill farther encroachments upon him, arrived in Scotland with an intention of abdicating almoſt entirely the ſmall ſhare of power which *there* remained to him, and of giving full ſatisfaction, if poſſible, to his reſtleſs ſubjects in that kingdom.

The lords of articles were an ancient inſtitution in the Scottiſh parliament. They were conſtituted after this manner. The temporal lords choſe eight biſhops: The biſhops elected eight temporal lords. Theſe ſixteen named eight commiſſioners of counties, and eight burgeſſes: And without the previous conſent of the thirty-two, who were denominated lords of articles, no motion could be made in parliament. As the biſhops were entirely devoted to the court, it is evident, that all the lords of articles, by neceſſary conſequence, depended on the king's nomination; and the prince, beſides one negative after the bills had paſſed through parliament, poſſeſſed indirectly another before their introduction; a prerogative of much greater conſequence than the former. The bench of biſhops being now aboliſhed, the parliament laid hold of the opportunity, and totally ſet aſide the lords of articles: And till this important point was obtained, the nation, properly ſpeaking, could not be ſaid to enjoy any regular freedom [t].

It is remarkable, that notwithſtanding this inſtitution, to which there was no parallel in England, the royal authority was always deemed much lower in

[t] Burnet, Mem.

Scotland

Scotland than in the former kingdom. Bacon repreſents it as one advantage to be expected from the union, that the too extenſive prerogative of England would be abridged by the example of Scotland, and the too narrow prerogative of Scotland be enlarged from the imitation of England. The Engliſh were, at that time, a civiliſed people, and obedient to the laws: But among the Scots, it was of little conſequence how the laws were framed, or by whom voted, while the exorbitant ariſtocracy had it ſo much in their power to prevent their regular execution. CHAP. LV. 1641.

The peers and commons formed only one houſe in the Scottiſh parliament: And as it had been the practice of James, continued by Charles, to grace Engliſh gentlemen with Scottiſh titles, all the determinations of parliament, it was to be feared, would in time depend upon the prince, by means of theſe votes of foreigners, who had no intereſt or property in the nation. It was therefore a law, deſerving approbation, that no man ſhould be created a Scotch peer, who poſſeſſed not 10,000 marks (above 500 l.) of annual rent in the kingdom [u].

A law for triennial parliaments was likewiſe paſſed; and it was ordained, that the laſt act of every parliament ſhould be to appoint the time and place for holding the parliament next enſuing [w].

The king was deprived of that power, formerly exerciſed, of iſſuing proclamations, which enjoined obedience, under the penalty of treaſon: A prerogative, which inveſted him with the whole legiſlative authority, even in matters of the higheſt importance [x].

So far was laudable: But the moſt fatal blow given to royal authority, and what in a manner dethroned the prince, was the article, that no member of the privy council, in whoſe hands, during the

u Burnet, Mem. w Idem, ibid. x Idem, ibid.

king's

CHAP. LV. 1641.

king's abſence, the whole adminiſtration lay, no officer of ſtate, none of the judges, ſhould be appointed but by advice and approbation of parliament. Charles even agreed to deprive of their ſeats, four judges who had adhered to his intereſts; and their place was ſupplied by others more agreeable to the ruling party. Several of the covenanters were alſo ſworn of the privy council. And all the miniſters of ſtate, counſellors, and judges, were, by law, to hold their places during life or good behaviour [y].

The king, while in Scotland, conformed himſelf entirely to the eſtabliſhed church; and aſſiſted with great gravity, at the long prayers and longer ſermons, with which the Preſbyterians endeavoured to regale him. He beſtowed penſions and preferments on Henderſon, Gilleſpy, and other popular preachers; and practiſed every art to ſoften, if not to gain, his greateſt enemies. The earl of Argyle was created a marquis, Lord Loudon an earl, Leſley was dignified with the title of earl of Leven [z]. His friends, he was obliged, for the preſent, to neglect and overlook: Some of them were diſguſted: And his enemies were not reconciled; but aſcribed all his careſſes and favours to artifice and neceſſity.

Argyle and Hamilton, being ſeized with an apprehenſion real or pretended, that the Earl of Crawfurd and others meant to aſſaſſinate them, left the parliament ſuddenly, and retired into the country: But upon invitation and aſſurances, returned in a few days. This event, which had neither cauſe nor effect that was viſible, nor purpoſe, nor conſequence, was commonly denominated the *incident*. But though the incident had no effect in Scotland; what was not expected, it was attended with conſequences in England. The Engliſh parliament which was now aſ-

October 20. ſembled, being willing to awaken the people's tenderneſs by exciting their fears, immediately took the

y Burnet Mem.

z Clarendon, vol. ii. p. 309.

alarm

alarm; as if the malignants, ſo they called the king's party, had laid a plot at once to murder them and all the godly in both kingdoms. They applied, therefore, to Eſſex, whom the king had left general in the ſouth of England, and he ordered a guard to attend them [a].

But, while the king was employed in pacifying the commotions in Scotland, and was preparing to return to England, in order to apply himſelf to the ſame ſalutary work in that kingdom, he received intelligence of a dangerous rebellion broken out in Ireland, with circumſtances of the utmoſt horror, bloodſhed, and devaſtation. On every ſide, this unfortunate prince was purſued with murmurs, diſcontent, faction, and civil wars; and the fire, from all quarters, even by the moſt independent accidents, at once blazed up about him.

The great plan of James, in the adminiſtration of Ireland, continued by Charles, was, by juſtice and peace to reconcile that turbulent people to the authority of laws, and, introducing art and induſtry among them, to cure them of that ſloth and barbariſm to which they had ever been ſubject. In order to ſerve both theſe purpoſes, and at the ſame time ſecure the dominion of Ireland to the Engliſh crown, great colonies of Britiſh had been carried over, and, being intermixed with the Iriſh, had every where introduced a new face of things into that country. During a peace of near forty years, the inveterate quarrels between the nations ſeemed, in a great meaſure, to be obliterated; and though much of the landed property, forfeited by rebellion, had been conferred on the new planters, a more than equal return had been made, by their inſtructing the natives in tillage, building, manufactures, and all the civili-

a Whitlocke, p. 40. Dugdale. p. 72. Burnet's Memoirs of the Houſe of Hamilton, p. 184, 185. Clarendon, p. 299.

zed

CHAP. LV. 1641.

zed arts of life [b]. This had been the courſe of things during the ſucceſſive adminiſtrations of Chicheſter, Grandiſon, Falkland, and, above all, of Strafford. Under the government of this latter nobleman, the pacific plans, now come to greater maturity, and forwarded by his vigour and induſtry, ſeemed to have operated with full ſucceſs, and to have beſtowed, at laſt, on that ſavage country, the face of a European ſettlement.

After Strafford fell a victim to popular rage, the humours excited in Ireland by that great event, could not ſuddenly be compoſed, but continued to produce the greateſt innovations in the government.

The Britiſh Proteſtants, tranſplanted into Ireland, having every moment before their eyes all the horrors of Popery, had naturally been carried into the oppoſite extreme, and had univerſally adopted the higheſt principles and practices of the Puritans. Monarchy, as well as the hierarchy, was become odious to them; and every method of limiting the authority of the crown, and detaching themſelves from the king of England, was greedily adopted and purſued. They conſidered not, that, as they ſcarcely formed the ſixth part of the people, and were ſecretly obnoxious to the ancient inhabitants, their only method of ſupporting themſelves was by maintaining royal authority, and preſerving a great dependence on their mother-country. The Engliſh commons, likewiſe, in their furious proſecution of Strafford, had overlooked the moſt obvious conſequences; and, while they imputed to him as a crime every diſcretionary act of authority, they deſpoiled all ſucceeding governors of that power by which alone the Iriſh could be retained in ſubjection. And, ſo ſtrong was the current for popular government in all the three kingdoms, that the moſt eſtabliſhed maxims

b Sir John Temple's Iriſh rebellion, p. 12.

of

of policy were every where abandoned, in order to gratify this ruling paſſion. CHAP. LV. 1641.

Charles, unable to reſiſt, had been obliged to yield to the Iriſh, as to the Scottiſh and Engliſh parliaments, and found too, that their incroachments ſtill roſe in proportion to his conceſſions. Thoſe ſubſidies which themſelves had voted, they reduced, by a ſubſequent vote, to a fourth part. The court of high commiſſion was determined to be a grievance, martial law aboliſhed, the juriſdiction of the council annihilated, proclamations and acts of ſtate declared of no authority. Every order or inſtitution which depended on monarchy was invaded; and the prince was deſpoiled of all his prerogative, without the leaſt pretext of any violence or illegality in his adminiſtration.

The ſtanding army of Ireland was uſually about 3000 men; but in order to aſſiſt the king in ſuppreſſing the Scottiſh Covenanters, Strafford had raiſed 8000 more, and had incorporated with them a thouſand men, drawn from the old army; a neceſſary expedient for beſtowing order and diſcipline on the new levied ſoldiers. The private men in this army were all Catholics; but the officers, both commiſſion and non-commiſſion, were Proteſtants, and could entirely be depended on by Charles. The Engliſh commons entertained the greateſt apprehenſions on account of this army; and never ceaſed ſoliciting the king, till he agreed to break it: Nor would they conſent to any propoſal for augmenting the ſtanding army to 5000 men; a number which the king deemed neceſſary for retaining Ireland in obedience.

Charles, thinking it dangerous, that 8000 men accuſtomed to idleneſs, and trained to the uſe of arms, ſhould be diſperſed among a nation ſo turbulent and unſettled, agreed with the Spaniſh ambaſſador to have them tranſported into Flanders, and enliſted in his

CHAP. LV. 1641.

his maſter's ſervice. The Engliſh commons, pretending apprehenſions, leſt regular bodies of troops, diſciplined in the Low Countries, ſhould prove ſtill more dangerous, ſhewed ſome averſion to this expedient; and the king reduced his allowance to 4000 men. But when the Spaniards had hired ſhips for tranſporting theſe troops, and the men were ready to embark; the commons, willing to ſhow their power, and not diſpleaſed with an opportunity of curbing and affronting the king, prohibited every one from furniſhing veſſels for that ſervice. And thus the project, formed by Charles, of freeing the country from theſe men, was unfortunately diſappointed[c].

The old Iriſh remarked all theſe falſe ſteps of the Engliſh, and reſolved to take advantage of them.—Though their animoſity againſt that nation, for want of an occaſion to exert itſelf, ſeemed to be extinguiſhed, it was only compoſed into a temporary and deceitful tranquillity[d]. Their intereſts, both with regard to *property* and *religion*, ſecretly ſtimulated them to a revolt. No individual of any ſept, according to the ancient cuſtoms, had the property of any particular eſtate; but as the whole ſept had a title to a whole territory, they ignorantly preferred this barbarous community before the more ſecure and narrower poſſeſſions aſſigned them by the Engliſh. An indulgence, amounting almoſt to a toleration, had been given to the Catholic religion: But ſo long as the churches and the eccleſiaſtical revenues were kept from the prieſts, and they were obliged to endure the neighbourhood of profane heretics, being themſelves diſcontented, they continually endeavoured to retard any cordial reconciliation between the Engliſh and the Iriſh nations.

Conſpiracy in Ireland.

There was a gentleman called Roger More, who, though of a narrow fortune, was deſcended from an

c Clarendon, vol. i. p. 281. Ruſhworth, vol. v. p. 381. Dugdale, p. 75. May, book ii. p. 3.

d Temple, p. 14.

ancient

ancient Iriſh family, and was much celebrated among his countrymen for valour and capacity. This man firſt formed the project of expelling the Engliſh, and aſſerting the independency of his native country[e]. He ſecretly went from chieftain to chieftain, and rouzed up every latent principle of diſcontent. He maintained a cloſe correſpondence with Lord Maguire and Sir Phelim O'Neale, the moſt powerful of the old Iriſh. By converſation, by letters, by his emiſſaries, he repreſented to his countrymen the motives of a revolt. He obſerved to them, that, by the rebellion of the Scots, and factions of the Engliſh, the king's authority in Britain was reduced to ſo low a condition, that he never could exert himſelf with any vigour in maintaining the Engliſh dominion over Ireland; that the Catholics in the Iriſh houſe of commons, aſſiſted by the Proteſtants, had ſo diminiſhed the royal prerogative and the power of the lieutenant, as would much facilitate the conducting to its deſired effect any conſpiracy or combination which could be formed; that the Scots having ſo ſucceſsfully thrown off dependence on the crown of England, and aſſumed the government into their own hands, had ſet an example to the Iriſh, who had ſo much greater oppreſſion to complain of; that the Engliſh planters, who had expelled them their poſſeſſions, ſuppreſſed their religion, and bereaved them of their liberties, were but a handful in compariſon of the natives; that they lived in the moſt ſupine ſecurity, interſperſed with their numerous enemies, truſting to the protection of a ſmall army, which was itſelf ſcattered in inconſiderable diviſions throughout the whole kingdom; that a great body of men, diſciplined by government, were now thrown looſe, and were ready for any daring or deſperate enterprize; that though the Catholics had hitherto enjoyed, in ſome toler-

CHAP. LV. 1641.

[e] Nalſon, vol. ii. p. 543.

CHAP. LV. 1641.

able meaſure, the exerciſe of their religion, from the moderation of their indulgent prince, they muſt henceforth expect, that the government will be conducted by other maxims and other principles; that the puritanical parliament, having at length ſubdued their ſovereign, would no doubt, as ſoon as they had conſolidated their authority, extend their ambitious enterprizes to Ireland, and make the Catholics in that kingdom feel the ſame furious perſecution to which their brethren in England were at preſent expoſed; and that a revolt in the Iriſh, tending only to vindicate their native liberty againſt the violence of foreign invaders, could never, at any time, be deemed rebellion; much leſs during the preſent confuſions, when their prince was in a manner a priſoner, and obedience muſt be paid, not to him, but to thoſe who had traiteriouſly uſurped his lawful authority [f].

By theſe conſiderations, More engaged all the heads of the native Iriſh into the conſpiracy. The Engliſh of the pale, as they were called, or the old Engliſh planters, being all Catholics, it was hoped, would afterwards join the party, which reſtored their religion to its ancient ſplendor and authority. The intention was, that Sir Phelim O'Neale and the other conſpirators ſhould begin an inſurrection on one day, throughout the provinces, and ſhould attack all the Engliſh ſettlements; and that, on the ſame day, lord Maguire and Roger More ſhould ſurprize the caſtle of Dublin. The commencement of the revolt was fixed on the approach of winter, that there might be more difficulty in tranſporting forces from England. Succours to themſelves and ſupplies of arms they expected from France, in conſequence of a promiſe made them by cardinal Richlieu. And many Iriſh officers, who ſerved in the Spaniſh troops, had engaged to join them, as ſoon as they ſaw an inſur-

f Temple, p. 72, 73. 78. Dugdale, p. 73.

rection

rection entered upon by their Catholic brethren. News, which every day arrived from England, of the fury expreſſed by the commons againſt all Papiſts, ſtruck freſh terror into the Iriſh nation, and both ſtimulated the conſpirators to execute their fatal purpoſe, and gave them aſſured hopes of the concurrence of all their countrymen [g].

Such propenſity to a revolt was diſcovered in all the Iriſh, that it was deemed unneceſſary, as it was dangerous, to entruſt the ſecret to many hands; and the appointed day drew nigh, nor had any diſcovery been yet made to the government. The king, indeed, had received information from his ambaſſadors, that ſomething was in agitation among the Iriſh in foreign parts; but though he gave warning to the adminiſtration in Ireland, the intelligence was entirely neglected [h]. Secret rumours likewiſe were heard of ſome approaching conſpiracy; but no attention was paid to them. The earl of Leiceſter, whom the king had appointed lieutenant, remained in London. The two juſtices, Sir William Parſons and Sir John Borlace, were men of ſmall abilities; and, by an inconvenience, common to all factious times, owed their advancement to nothing but their zeal for the party by whom every thing was now governed. Tranquil from their ignorance and inexperience, theſe men indulged themſelves in the moſt profound repoſe, on the very brink of deſtruction.

But they were awakened from their ſecurity on the very day before that which was appointed for the commencement of hoſtilities. The caſtle of Dublin, by which the capital was commanded, contained arms for 10,000 men, with thirty-five pieces of cannon, and a proportionable quantity of ammunition: Yet was this important place guarded, and

g Dugdale, p. 47.
h Ruſhworth, vol. v. p. 408. Nalſon, vol. ii. p. 565.

CHAP. LV 1641.

that too without any care, by no greater force than fifty men. Maguire and More were already in town with a numerous band of their partizans: Others were expected that night: And, next morning, they were to enter upon, what they esteemed the easiest of all enterprizes, the surprizal of the castle. O'Conolly, an Irishman, but a Protestant, betrayed the conspiracy to Parsons[i]. The justices and council fled immediately for safety into the castle, and reinforced the guards. The alarm was conveyed to the city, and all the Protestants prepared for defence. More escaped: Maguire was taken; and Mahone, one of the conspirators, being likewise seized, first discovered to the justices the project of a general insurrection, and redoubled the apprehensions which already were universally diffused throughout Dublin[k].

Irish insurrection and massacre.

But though O'Conolly's discovery saved the castle from a surprize, the confession extorted from Mahone came too late to prevent the intended insurrection. O'Neale and his confederates had already taken arms in Ulster. The Irish, every where intermingled with the English, needed but a hint from their leaders and priests to begin hostilities against a people whom they hated on account of their religion, and envied for their riches and prosperity[l]. The houses, cattle, goods, of the unwary English were first seized. Those, who heard of the commotions in their neighbourhood, instead of deserting their habitations, and assembling for mutual protection, remained at home, in hopes of defending their property; and fell thus separately into the hands of their enemies[m]. After rapacity had fully exerted itself, cruelty, and the most barbarous that ever in any nation was

i Rushworth, vol. v. p. 399. Nalson, vol. ii. p. 520. May, book ii. p. 6.
k Temple, p. 17, 18, 19, 20. Rush. vol. v. p. 400.
l Temple, p. 39, 40. 79. m Idem, p. 42.

known

known or heard of, began its operations. An universal maſſacre commenced of the Engliſh, now defenceleſs, and paſſively reſigned to their inhuman foes. No age, no ſex, no condition was ſpared. The wife weeping for her butchered huſband, and embracing her helpleſs children, was pierced with them, and periſhed by the ſame ſtroke [n]. The old, the young, the vigorous, the infirm, underwent a like fate, and were confounded in one common ruin. In vain did flight ſave from the firſt aſſault: Deſtruction was, every where, let looſe, and met the hunted victims at every turn. In vain was recourſe had to relations, to companions, to friends: All connections were diſſolved, and death was dealt by that hand from which protection was implored and expected. Without provocation, without oppoſition, the aſtoniſhed Engliſh, living in profound peace and full ſecurity, were maſſacred by their neareſt neighbours, with whom they had long upheld a continued intercourſe of kindneſs and good offices [o].

CHAP. LV. 1641.

But death was the lighteſt puniſhment inflicted by thoſe rebels: All the tortures which wanton cruelty could deviſe, all the lingering pains of body, the anguiſh of mind, the agonies of deſpair, could not ſatiate revenge without injury, and cruely derived from no cauſe. To enter into particulars would ſhock the leaſt delicate humanity. Such enormities, though atteſted by undoubted evidence, appear almoſt incredible. Depraved nature, even perverted religion, encouraged by the utmoſt liſence, reach not to ſuch a pitch of ferocity, unleſs the pity inherent in human breaſts, be deſtroyed by that contagion of example, which tranſports men beyond all the uſual motives of conduct and behaviour.

n Temple, p. 40. o Idem, p. 39, 40.

CHAP. LV. 1641

The weaker ſex themſelves, naturally tender to their own ſufferings, and compaſſionate to thoſe of others, here emulated their more robuſt companions, in the practice of every cruelty [p]. Even children, taught by the example, and encouraged by the exhortation of their parents, eſſayed their feeble blows on the dead carcaſſes or defenceleſs children of the Engliſh [q]. The very avarice of the Iriſh was not a ſufficient reſtraint to their cruelty. Such was their frenzy, that the cattle which they had ſeized, and by rapine made their own, yet becauſe they bore the name of Engliſh, were wantonly ſlaughtered, or, when covered with wounds, turned looſe into the woods or deſerts [r].

The ſtately buildings or commodious habitations of the planters, as if upbraiding the ſloth and ignorance of the natives, were conſumed with fire, or laid level with the ground. And where the miſerable owners, ſhut up in their houſes, and preparing for defence, periſhed in the flames, together with their wives and children, a double triumph was afforded to their inſulting foes [s].

If any where a number aſſembled together, and, aſſuming courage from deſpair, were reſolved to ſweeten death by revenge on their aſſaſſins, they were diſarmed by capitulations, and promiſes of ſafety, confirmed by the moſt ſolemn oaths. But no ſooner had they ſurrendered, than the rebels, with perfidy equal to their cruelty, made them ſhare the fate of their unhappy countrymen [t].

Others, more ingenious ſtill in their barbarity, tempted their priſoners, by the fond love of life, to embrue their hands in the blood of friends, brothers, parents; and having thus rendered them accomplices

p Temple, p. 96. 101, Ruſh. vol. v. p. 415.
q Temple, p. 100.
r Temple, p. 84.
s Idem, p. 99. 106. Ruſh, vol. v. p. 414.
t Whitlocke, p. 47, Ruſh, vol. v. p. 416,

in

in guilt, gave them that death, which they ſought to ſhun by deſerving it [u].

CHAP. LV.

1641.

Amidſt all theſe enormities, the ſacred name of RELIGION reſounded on every ſide; not to ſtop the hands of theſe murderers, but to enforce their blows, and to ſteel their hearts againſt every movement of human or ſocial ſympathy. The Engliſh, as heretics, abhorred of God, and deteſtable to all holy men, were marked out by the prieſts for ſlaughter; and, of all actions, to rid the world of theſe declared enemies to catholic faith and piety, was repreſented as the moſt meritorious [w]. Nature, which, in that rude people, was ſufficiently inclined to attrocious deeds, was farther ſtimulated by precept; and national prejudices empoiſoned by thoſe averſions, more deadly and incurable, which aroſe from an enraged ſuperſtition. While death finiſhed the ſufferings of each victim, the bigoted aſſaſſins, with joy and exultation, ſtill echoed in his expiring ears, that theſe agonies were but the commencement of torments, infinite and eternal [x].

Such were the barbarities by which Sir Phelim O'Neale and the Iriſh in Ulſter ſignalized their rebellion: An event, memorable in the annals of human kind, and worthy to be held in perpetual deteſtation and abhorrence. The generous nature of More was ſhocked at the recital of ſuch enormous cruelties. He flew to O'Neale's camp; but found, that his authority, which was ſufficient to excite the Iriſh to an inſurrection, was too feeble to reſtrain their inhumanity. Soon after, he abandoned a cauſe, polluted by ſo many crimes, and he retired into Flanders. Sir Phelim, recommended by the greatneſs of his family, and perhaps too, by the unreſtrained brutality of his nature, though without any courage or capacity, acquired the entire aſcendant over the nor-

u Temple, p. 100.
w Idem, p. 85, 106.
x Idem, p. 94. 107, 108. Rushworth, vol. v. p. 407.

CHAP. LV.

1641

thern rebels [y]. The Engliſh colonies were totally annihilated in the open country of Ulſter: The Scots, at firſt, met with more favourable treatment. In order to engage them to a paſſive neutrality, the Iriſh pretended to diſtinguiſh between the Britiſh nations; and claiming friendſhip and conſanguinity with the Scots, extended not over them the fury of their maſſacres. Many of them found an opportunity to fly the country: Others retired into places of ſecurity, and prepared themſelves for defence: And by this means, the Scottiſh planters, moſt of them at leaſt, eſcaped with their lives [z].

From Ulſter, the flames of rebellion diffuſed themſelves in an inſtant over the other three provinces of Ireland. In all places death and ſlaughter were not uncommon; though the Iriſh, in theſe other provinces, pretended to act with moderation and humanity. But cruel and barbarous was their humanity! Not content with expelling the Engliſh their houſes, with deſpoiling them of their goodly manors, with waſting their cultivated fields; they ſtripped them of their very cloaths, and turned them out, naked and defenceleſs, to all the ſeverities of the ſeaſon [a]. The heavens themſelves, as if conſpiring againſt that unhappy people, were armed with cold and tempeſt, unuſual to the climate, and executed what the mercileſs ſword had left unfiniſhed [b]. The roads were covered with crowds of naked Engliſh, haſtening towards Dublin and the other cities, which yet remained in the hands of their countrymen. The feeble age of children, the tender ſex of women, ſoon ſunk under the multiplied rigours of cold and hunger. Here, the huſband, bidding a final adieu to his expiring family, envied them that fate which he himſelf expected ſo ſoon to ſhare: There, the ſon, having long ſupported his aged parent, with reluctance obeyed his laſt

y Temple, p. 44.
z Idem, p. 41. Ruſh. vol. i. p. 416.
a Temple, p. 42.
b Idem, p. 64.

commands

commands, and abandoning him in this uttermoſt diſtreſs, reſerved himſelf to the hopes of avenging that death which all his efforts could not prevent or delay. The aſtoniſhing greatneſs of the calamity deprived the ſufferers of any relief from the view of companions in affliction. With ſilent tears or lamentable cries, they hurried on through the hoſtile territories, and found every heart, which was not ſteeled by native barbarity, guarded by the more implacable furies of miſtaken piety and religion [c].

CHAP. LV. 1641.

The ſaving of Dublin preſerved in Ireland the remains of the Engliſh name. The gates of that city, though timorouſly opened, received the wretched ſupplicants, and preſented to the view a ſcene of human miſery beyond what any eye had ever before beheld [d]. Compaſſion ſeized the amazed inhabitants, aggravated with the fear of like calamities; while they obſerved the numerous foes without and within, which every where environed them, and reflected on the weak reſources by which they were themſelves ſupported. The more vigorous of the unhappy fugitives, to the number of three thouſand, were inliſted into three regiments: The reſt were diſtributed into the houſes; and all care was taken, by diet and warmth, to recruit their feeble and torpid limbs. Diſeaſes of unknown name and ſpecies, derived from theſe multiplied diſtreſſes, ſeized many of them, and put a ſpeedy period to their lives: Others, having now leiſure to reflect on their mighty loſs of friends and fortune, curſed that being which they had ſaved. Abandoning themſelves to deſpair, refuſing all ſuccour, they expired; without other conſolation than that of receiving among their countrymen the honours of a grave, which, to their ſlaughtered companions, had been denied by the inhuman barbarians [e].

c Temple, p. 88. d Idem, p. 62. e Idem, p. 63.

CHAP. LV. 1641.

By ſome computations, thoſe who periſhed by all theſe cruelties, are ſuppoſed to be a hundred and fifty, or two hundred thouſand: By the moſt moderate, and probably the moſt reaſonable account, they are made to amount to 40,000; if this eſtimation itſelf be not, as is uſual in ſuch caſes, ſomewhat exaggerated.

The juſtices ordered to Dublin all the bodies of the army which were not ſurrounded by the rebels; and they aſſembled a force of 1500 veterans. They ſoon inliſted, and armed from the magazines above 4000 men more. They diſpatched a body of 600 men, to throw relief into Tredah, beſieged by the Iriſh. But theſe troops, attacked by the enemy, were ſeized with a panic, and were moſt of them put to the ſword. Their arms, falling into the hands of the Iriſh, ſupplied them with what they moſt wanted[f]. The juſtices, willing to foment the rebellion, in a view of profiting by the multiplied forfeitures, henceforth thought of nothing more than providing for their own preſent ſecurity and that of the capital.—The earl of Ormond, their general, remonſtrated againſt ſuch timid, not to ſay baſe and intereſted counſels; but was obliged to ſubmit to authority.

The Engliſh of the pale, who probably were not at firſt in the ſecret, pretended to blame the inſurrection, and to deteſt the barbarity with which it was accompanied[g]. By their proteſtations and declarations, they engaged the juſtices to ſupply them with arms, which they promiſed to employ in defence of the government[h]. But in a little time, the intereſts of religion were found more prevalent over them, than regard and duty to their mother-country. They choſe Lord Gormanſtone their leader; and, joining the old Iriſh, rivaled them in every act of violence towards the Engliſh Proteſtants. Beſides many ſmaller bodies diſperſed over the kingdom, the

f Nalſon, vol. ii. p. 905.
g Temple, p. 33. Ruſhworth, vol. v. p. 402.
h Temple, p. 60. Borlaſe Hiſt. p. 28.

principal

principal army of the rebels amounted to twenty thouſand men, and threatened Dublin with an immediate ſiege[i]. CHAP. LV. 1641.

Both the Engliſh and Iriſh rebels conſpired in one impoſture, with which they ſeduced many of their deluded countrymen: They pretended authority from the king and queen, but chiefly from the latter, for their inſurrection; and they affirmed, that the cauſe of their taking arms was to vindicate royal prerogative, now invaded by the puritanical parliament[k]. Sir Phelim O'Neale, having found a royal patent in Lord Cauſield's houſe, whom he had murdered, tore off the ſeal, and affixed it to a commiſſion which he had forged for himſelf[l].

The king received an account of this inſurrection by a meſſenger diſpatched from the north of Ireland. He immediately communicated his intelligence to the Scottiſh parliament. He expected that the mighty zeal, expreſſed by the Scots for the Proteſtant religion, would immediately engage them to fly to its defence, where it was ſo violently invaded: He hoped that their horror againſt Popery, a religion which now appeared in its moſt horrible aſpect, would ſecond all his exhortations: He had obſerved with what alacrity they had twice run to arms, and aſſembled troops in oppoſition to the rights of their ſovereign: He ſaw with how much greater facility they could now collect forces, which had been very lately diſbanded, and which had been ſo long enured to military diſcipline. The cries of their affrighted and diſtreſſed brethern in Ireland, he promiſed himſelf, would powerfully incite them to ſend over ſuccours, which could arrive ſo quickly, and aid them with ſuch promptitude in this uttermoſt diſtreſs. But the zeal of the Scots, as is uſual among religious ſects, was very feeble, when not ſtimulated either by fac-

i Whitlocke, p. 49.
k Ruſh. vol. v. p. 400, 401.
l Idem, ibid. p. 402.

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CHAP. LV. 1641.

tion or by intereſt. They now conſidered themſelves entirely as a republic, and made no account of the authority of their prince, which they had utterly annihilated. Conceiving hopes from the preſent diſtreſſes of Ireland, they reſolved to make an advantageous bargain for the ſuccours with which they ſhould ſupply their neighbouring nation. And they caſt their eye towards the Engliſh parliament, with whom they were already ſo cloſely connected, and who could alone fulfil any articles which might be agreed on. Except diſpatching a ſmall body to ſupport the Scottiſh colonies in Ulſter, they would, therefore, go no farther at preſent, than ſending commiſſioners to London, in order to treat with that power to whom the ſovereign authority was now in reality transferred [m].

The king, too, ſenſible of his utter inability to ſubdue the Iriſh rebels, found himſelf obliged, in this exigency, to have recourſe to the Engliſh parliament, and depend on their aſſiſtance for ſupply. After communicating to them the intelligence which he had received, he informed them, that the inſurrection was not, in his opinion, the reſult of any raſh enterpriſe, but of a formed conſpiracy againſt the crown of England. To their care and wiſdom, therefore, he ſaid, he committed the conduct and proſecution of the war, which, in a cauſe ſo important to national and religious intereſts, muſt of neceſſity be immediately entered upon, and vigorouſly purſued [n].

Meeting of the Engliſh parliament.

The Engliſh parliament was now aſſembled; and diſcovered, in every vote, the ſame diſpoſitions in which they had ſeparated. The exalting of their own authority, the diminiſhing of the king's, were ſtill the objects purſued by the majority. Every attempt which had been made to gain the popular leaders, and by offices to attach them to the crown, had

m Ruſh. vol. v. p. 407.

n Clarendon, vol. ii. p. 301.

failed

CHAP. LV. 1641.

ſhiled of ſucceſs, either for want of ſkill in conducting it, or by reaſon of the ſlender preferments which it was then in the king's power to confer. The ambitious and enterpriſing patriots diſdained to accept, in detail, of a precarious power, while they deemed it ſo eaſy, by one bold and vigorous aſſault, to poſſeſs themſelves for ever of the entire ſovereignty. Senſible that the meaſures which they had hitherto purſued, rendered them extremely obnoxious to the king; were many of them in themſelves exceptionable; ſome of them, ſtrictly ſpeaking, illegal; they reſolved to ſeek their own ſecurity, as well as greatneſs, by enlarging popular authority in England. The great neceſſities to which the king was reduced; the violent prejudices which generally, throughout the nation, prevailed againſt him; his facility in making the moſt important conceſſions; the example of the Scots, whoſe encroachments had totally ſubverted monarchy: All theſe circumſtances farther inſtigated the commons in their invaſion of royal prerogative. And the danger to which the conſtitution ſeemed to have been ſo lately expoſed, perſuaded many, that it never could be ſufficiently ſecured, but by the entire abolition of that authority which had invaded it.

But this project, it had not been in the power, ſcarcely in the intention, of the popular leaders to execute, had it not been for the paſſion which ſeized the nation for Preſbyterian diſcipline, and for the wild enthuſiaſm which at that time accompanied it. The licenſe which the parliament had beſtowed on this ſpirit, by checking eccleſiaſtical authority, the countenance and encouragement with which they had honoured it, had already diffuſed its influence to a wonderful degree; and all orders of men had drunk deep of the intoxicating poiſon. In every diſcourſe or converſation, this mode of religion entered; in all buſineſs it had a ſhare; every elegant pleaſure or amuſement

CHAP. LV. 1641.

amuſement it utterly annihilated; many vices or corruptions of mind it promoted; even diſeaſes and bodily diſtempers were not totally exempted from it; and it became requiſite, we are told, for all phyſicians to be expert in the ſpiritual profeſſion, and, by theological conſiderations, to allay thoſe religious terrors with which their patients were ſo generally haunted. Learning itſelf, which tends ſo much to enlarge the mind and humanize the temper, rather ſerved on this occaſion to exalt that epidemical frenzy which prevailed. Rude as yet, and imperfect, it ſupplied the diſmal fanaticiſm with a variety of views, founded it on ſome coherency of ſyſtem, enriched it with different figures of elocution; advantages with which a people, totally ignorant and barbarous, had been happily unacquainted.

From policy, at firſt, and inclination, now from neceſſity, the king attached himſelf extremely to the hierarchy: For like reaſons, his enemies were determined, by one and the ſame effort, to overpower the church and monarchy.

While the commons were in this diſpoſition, the Iriſh rebellion was the event which tended moſt to promote the views in which all their meaſures terminated. A horror againſt the Papiſts, however innocent, they had conſtantly encouraged; a terror from the conſpiracies of that ſect, however improbable, they had at all times endeavoured to excite. Here was broken out a rebellion, dreadful and unexpected; accompanied with circumſtances the moſt deteſtable of which there ever was any record; and what was the peculiar guilt of the Iriſh Catholics, it was no difficult matter, in the preſent diſpoſition of men's minds, to attribute to that whole ſect, who were already ſo much the object of general abhorrence. Accuſtomed, in all invectives, to join the prelatical party with the Papiſts, the people immediately ſuppoſed this inſurrection to be the reſult of their united counſels.

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conſels. And when they heard that the Iriſh rebels pleaded the king's commiſſion for all their acts of violence; bigotry, ever credulous and malignant, aſſented without ſcruple to that groſs impoſture, and loaded the unhappy prince with the whole enormity of a contrivance ſo barbarous and inhuman*.

By the difficulties and diſtreſſes of the crown, the commons, who poſſeſſed alone the power of ſupply, had aggrandized themſelves; and it ſeemed a peculiar happineſs, that the Iriſh rebellion had ſucceeded at ſo critical a juncture, to the pacification of Scotland. That expreſſion of the king's, by which he committed to them the care of Ireland, they immediately laid hold of, and interpreted in the moſt unlimited ſenſe. They had, on other occaſions, been gradually encroaching on the executive power of the crown, which forms its principal and moſt natural branch of authority; but, with regard to Ireland, they at once aſſumed it, fully and entirely, as if delivered over to them by a regular gift or aſſignment. And to this uſurpation the king was obliged paſſively to ſubmit; both becauſe of his inability to reſiſt, and leſt he ſhould ſtill more expoſe himſelf to the reproach of favouring the progreſs of that odious rebellion.

The project of introduciug farther innovations in England being once formed by the leaders among the commons, it became a neceſſary conſequence, that their operations with regard to Ireland ſhould, all of them, be conſidered as ſubordinate to the former, on whoſe ſucceſs, when once undertaken, their own grandeur, ſecurity, and even being, muſt entirely depend. While they pretended the utmoſt zeal againſt the Iriſh inſurrection, they took no ſteps towards its ſuppreſſion, but ſuch as likewiſe tended to give them the ſuperiority in thoſe commotions,

* See note [CC] at the end of the volume.

which

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which they foreſaw, muſt ſo ſoon be excited in England [p]. The extreme contempt entertained for the natives in Ireland, made the popular leaders believe, that it would be eaſy, at any time, to ſuppreſs their rebellion, and recover that kingdom: Nor were they willing to loſe, by too haſty ſucceſs, the advantage which that rebellion would afford them in their projected encroachments on the prerogative. By aſſuming the total management of the war, they acquired the courtſhip and dependence of every one who had any connection with Ireland, or who was deſirous of inliſting in theſe military enterprizes: They levied money under pretence of the Iriſh expedition; but reſerved it for purpoſes which concerned them more nearly: They took arms from the king's magazines; but ſtill kept them with a ſecret intention of employing them againſt himſelf. Whatever law they deemed neceſſary for aggrandizing themſelves was voted, under colour of enabling them to recover Ireland; and if Charles with-held the royal aſſent, his refuſal was imputed to thoſe pernicious counſels which had at firſt excited the Popiſh rebellion, and which ſtill threatened total deſtruction to the Proteſtant intereſt throughout all his dominions [q]. And though no forces were for a long time ſent over to Ireland, and very little money remitted during the extreme diſtreſs of that kingdom; ſo ſtrong was the people's attachment to the commons, that the fault was never imputed to thoſe pious zealots, whoſe votes breathed nothing but death and deſtruction to the Iriſh rebels.

To make the attack on royal authority by regular approaches, it was thought proper to frame a general remonſtrance of the ſtate of the nation; and accordingly, the committee, which, at the firſt meet-

p Clarendon, vol. ii. p. 435. Sir Ed. Walker, p. 6.
q Nalſon, vol. ii. p. 618. Clarendon, vol. iv. p. 590.

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ing of parliament, had been chosen for that purpose, and which had hitherto made no progress in their work, received fresh injunctions to finish that undertaking.

The remonstrance.

The committee brought into the house that remonstrance, which has become so memorable, and which was soon afterwards attended with such important consequences. It was not addressed to the king, but was openly declared to be an appeal to the people. The harshness of the matter was equalled by the severity of the language. It consists of many gross falsehoods, intermingled with some evident truths. Malignant insinuations are joined to open invectives. Loud complaints of the past, accompanied with jealous prognostications of the future. Whatever unfortunate, whatever invidious, whatever suspicious measure had been embraced by the king from the commencement of his reign, is insisted on and aggravated with merciless rhetoric. The unsuccessful expeditions to Cadiz and the isle of Rhe are mentioned. The sending of ships to France for the suppression of the Hugonots, the forced loans, the illegal confinement of men for not obeying illegal commands, the violent dissolution of four parliaments, the arbitrary government which always succeeded, the questioning, fining, and imprisoning of members for their conduct in the house, the levying of taxes without consent of the commons, the introducing of superstitious innovations into the church without authority of law, in short, every thing which, either with or without reason, had given offence, during the course of fifteen years, from the accession of the king to the calling of the present parliament. And though all these grievances had been already redressed, and even laws enacted for future security against their return, the praise of these advantages was ascribed, not to the king, but to the parliament who had extorted his consent to such sa-

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lutary ſtatutes. Their own merits, too, they aſſerted, towards the king, were no leſs eminent than towards the people. Though they had ſeized his whole revenue, rendered it totally precarious, and made even their temporary ſupplies be paid to their own commiſſioners, who were independent of him; they pretended that they had liberally ſupported him in his neceſſities. By an inſult ſtill more egregious, the very giving of money to the Scots, for levying war againſt their ſovereign, they repreſented as an inſtance of their duty towards him. And all their grievances, they ſaid, which amounted to no leſs than a total ſubverſion of the conſtitution, proceeded entirely from the formed combination of a Popiſh faction, who had ever ſwayed the king's counſels, who had endeavoured, by an uninterrupted effort, to introduce their ſuperſtition into England and Scotland, and who had now, at laſt, excited an open and bloody rebellion in Ireland [r].

This remonſtrance, ſo full of acrimony and violence, was a plain ſignal for ſome farther attacks intended on royal prerogative, and a declaration, that the conceſſions already made, however important, were not to be regarded as ſatisfactory. What pretenſions would be advanced, how unprecedented, how unlimited, were eaſily imagined; and nothing leſs was foreſeen, whatever ancient names might be preſerved, than an abolition, almoſt total, of the monarchical government of England. The oppoſition, therefore, which the remonſtrance met with in the houſe of commons, was great. For above fourteen hours, the debate was warmly managed; and, from the wearineſs of the king's party, which probably conſiſted chiefly of the elderly people, and men of cool ſpirits, the vote was at laſt carried by a ſmall majority of eleven [s]. Some time after, the remon-

22d Nov.

r Ruſh. vol. v. p. 438. Nalſon, vol. ii. p. 694.

s Whitlocke, p. 49. Dugdale, p. 71. Nalſon, vol. ii. p. 668.

ſtrance

prince was ordered to be printed and published, without being carried up to the house of peers for their assent and concurrence. CHAP. LV. 1642.

When this remonstrance was dispersed, it excited everywhere the same violent controversy which attended it when introduced into the house of commons. This parliament, said the partizans of that assembly, have at length profited by the fatal example of their predecessors, and are resolved, that the fabric, which they have generously undertaken to rear for the protection of liberty, shall not be left to future ages insecure and imperfect. At the time when the petition of right, that requisite vindication of a violated constitution, was extorted from the unwilling prince, who but imagined that liberty was at last secured, and that the laws would thenceforth maintain themselves in opposition to arbitrary authority? But, what was the event? A *right* was indeed acquired to the people, or rather their ancient right was more exactly defined: But as the *power* of invading it still remained in the prince, no sooner did an opportunity offer, than he totally disregarded all laws and preceding engagements, and made his will and pleasure the sole rule of government. Those lofty ideas of monarchical authority, which he has derived from his early education, which are united in his mind with the irresistible illusions of self-love, which are corroborated by his mistaken principles of religion, it is in vain to hope that, in his more advanced age, he will sincerely renounce, from any subsequent reflection or experience. Such conversions, if ever they happen, are extremely rare; but to expect that they will be derived from necessity, from the jealousy and resentment of antagonists, from blame, from reproach, from opposition, must be the result of the fondest and most blind credulity. These violences, however necessary, are sure to irritate a prince against limitations so cruelly imposed Reasons on both sides.

CHAP. LV. 1641.

upon him; and each conceſſion, which he is conſtrained to make, is regarded as a temporary tribute paid to faction and ſedition, and is ſecretly attended with a reſolution of ſeizing every favourable opportunity to retract it. Nor ſhould we imagine that opportunities of that kind will not offer in the courſe of human affairs. Governments, eſpecially thoſe of a mixed kind, are in continual fluctuation. The humours of the people change perpetually from one extreme to another. And no reſolution can be more wiſe, as well as more juſt, than that of employing the preſent advantages againſt the king, who had formerly puſhed much leſs tempting ones to the utmoſt extremities againſt his people and his parliament. It is to be feared, that, if the religious rage which has ſeized the multitude be allowed to evaporate, they will quickly return to the ancient eccleſiaſtical eſtabliſhment, and, with it, embrace thoſe principles of ſlavery which it inculcates with ſuch zeal on its ſubmiſſive proſelytes. Thoſe patriots who are now the public idols may then become the objects of general deteſtation; and equal ſhouts of joy attend their ignominious execution, with thoſe which ſecond their preſent advantages and triumphs. Nor ought the apprehenſion of ſuch an event to be regarded in them as a ſelfiſh conſideration. In their ſafety is involved the ſecurity of the laws: The patrons of the conſtitution cannot ſuffer without a fatal blow to the conſtitution. And it is but juſtice in the public to protect, at any hazard, thoſe who have ſo generouſly expoſed themſelves to the utmoſt hazard for the public intereſt. What though monarchy, the ancient government of England, be impaired, during theſe conteſts, in many of its former prerogatives: The laws will flouriſh the more by its decay; and it is happy, allowing that matters are really carried beyond the bounds of moderation, that the current at leaſt runs towards liberty, and that the error is

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on that ſide, which is ſafeſt for the general intereſts of mankind and ſociety.

CHAP. LV.

1642.

The beſt arguments of the royaliſts againſt a farther attack on the prerogative, were founded more on oppoſite ideas which they had formed of the paſt events of this reign, than on oppoſite principles of government. Some invaſions, they ſaid, and thoſe too of moment, had undoubtedly been made on national privileges: But were we to look for the cauſe of theſe violences, we ſhould never find it to conſiſt in the wanton tyranny and injuſtice of the prince, not even in his ambition or immoderate appetite for authority. The hoſtilities with Spain, in which the king, on his acceſſion, found himſelf engaged, however imprudent and unneceſſary, had proceeded from the advice, and even importunity of the parliament, who deſerted him immediately after they had embarked him in thoſe warlike meaſures. A young prince, jealous of honour, was naturally afraid of being foiled in his firſt enterprize, and had not as yet attained ſuch maturity of counſel, as to perceive that his greateſt honour lay in preſerving the laws inviolate, and gaining the full confidence of his people. The rigour of the ſubſequent parliaments had been extreme with regard to many articles, particularly tonnage and poundage; and had reduced the king to an abſolute neceſſity, if he would preſerve entire the royal prerogative, of levying thoſe duties by his own authority, and of breaking through the forms, in order to maintain the ſpirit of the conſtitution. Having once made ſo perilous a ſtep, he was naturally induced to continue, and to conſult the public intereſt, by impoſing ſhip-money, and other moderate, though irregular, burthens and taxations. A ſure proof that he had formed no ſyſtem for enſlaving his people is, that the chief object of his government has been to raiſe a naval, not a military force; a project uſeful, honourable, nay indiſpenſibly requiſite,

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quiſite, and in ſpite of his great neceſſities, brought almoſt to a happy concluſion. It is now full time to free him from all theſe neceſſities, and to apply cordials and lenitives, after thoſe ſeverities, which have already had their full courſe againſt him. Never was ſovereign bleſſed with more moderation of temper, with more juſtice, more humanity, more honour, or a more gentle diſpoſition. What pity that ſuch a prince ſhould ſo long have been haraſſed with rigours, ſuſpicions, calumnies, complaints, incroachments; and been forced from that path in which the rectitude of his principles would have inclined him to have conſtantly trod! If ſome few inſtances are found of violations made on the petition of right which he himſelf had granted, there is an eaſier and more natural way for preventing the return of like inconveniencies, than by a total abolition of royal authority. Let the revenue be ſettled, ſuitably to the ancient dignity and ſplendor of the crown; let the public neceſſities be fully ſupplied; let the remaining articles of prerogative be left untouched; and the king, as he has already loſt the power, will lay aſide the will of invading the conſtitution. From what quarter can jealouſies now ariſe? What farther ſecurity can be deſired or expected? The king's preceding conceſſions, ſo far from being inſufficient for public ſecurity, have rather erred on the other extreme; and, by depriving him of all power of ſelf-defence, are the real cauſe why the commons are emboldened to raiſe pretenſions hitherto unheard of in the kingdom, and to ſubvert the whole ſyſtem of the conſtitution. But would they be content with moderate advantages, is it not evident that, beſides other important conceſſions, the preſent parliament may be continued till the government be accuſtomed to the new track, and every part be reſtored to full harmony and concord? By the triennial act a perpetual ſucceſſion

session of parliaments is established, as everlasting CHAP. LV. 1641.
guardians to the laws, while the king possesses no independent power or military force by which he can be supported in his invasion of them. No danger remains but what is inseparable from all free constitutions, and what forms the very essence of their freedom: The danger of a change in the people's disposition, and of general disgust, contracted against popular privileges. To prevent such an evil, no expedient is more proper, than to contain ourselves within the bounds of moderation, and to consider, that all extremes, naturally and infallibly, beget each other. In the same manner as the past usurpations of the crown, however excusable on account of the necessity or provocations whence they arose, have excited an immeasurable appetite for liberty; let us beware, lest our encroachments, by introducing anarchy, make the people seek shelter under the peaceable and despotic rule of a monarch. Authority, as well as liberty, is requisite to government; and is even requisite to the support of liberty itself, by maintaining the laws which can alone regulate and protect it. What madness, while every thing is so happily settled under ancient forms and institutions, now more exactly poised and adjusted, to try the hazardous experiment of a new constitution, and renounce the mature wisdom of our ancestors for the crude whimsies of turbulent innovators! Besides the certain and inconceivable mischiefs of civil war, are not the perils apparent, which the delicate frame of liberty must inevitably sustain amidst the furious shock of arms? Which ever side prevails, *she* can scarcely hope to remain inviolate, and may suffer no less, or rather greater injuries from the boundless pretensions of forces engaged in her cause, than from the invasion of enraged troops, inlisted on the side of monarchy.

CHAP. LV. 1641. Nov. 25.

The king, upon his return from Scotland, was received in London with the ſhouts and acclamations of the people, and with every demonſtration of regard and affection [t]. Sir Richard Gournay, lord mayor, a man of moderation and authority, had promoted theſe favourable diſpoſitions, and had engaged the populace, who ſo lately inſulted the king, and who ſo ſoon after made furious war upon him, to give him theſe marks of their dutiful attachment. But all the pleaſure which Charles reaped from this joyous reception, was ſoon damped by the remonſtrance of the commons, which was preſented him, together with a petition of a like ſtrain. The bad counſels which he followed are there complained of; his concurrence in the Iriſh rebellion plainly inſinuated; the ſcheme laid for the introduction of Popery and ſuperſtition, inveighed againſt; and, as a remedy for all theſe evils, he is deſired to entruſt every office and command to perſons in whom his parliament ſhould have cauſe to confide [u]. By this phraſe, which is ſo often repeated in all the memorials and addreſſes of that time, the commons meant themſelves and their adherents.

As ſoon as the remonſtrance of the commons was publiſhed, the king diſperſed an anſwer to it. In this conteſt he lay under great diſadvantages. Not only the ears of the people were extremely prejuced againſt him; the beſt topics upon which he could juſtify, at leaſt apologize for his former conduct, were ſuch as it was not ſafe or prudent for him at this time to employ. So high was the national idolatry towards parliaments, that to blame the paſt conduct of theſe aſſemblies, would have been very ill received by the generality of the people. So loud were the complaints againſt regal uſurpations, that had the king

t Ruſhworth, vol. v. p. 429.

u Idem, ibid. p. 437. Nalſon, vol. ii. p. 692.

afferted

asserted the prerogative of supplying, by his own au- CHAP. LV.
thority, the deficiencies in government, arising from 1637.
the obstinacy of the commons, he would have encouraged the clamours with which the whole nation already resounded. Charles, therefore, contented himself with observing, in general, that even during that period, so much complained of, the people enjoyed a great measure of happiness, not only comparatively in respect of their neighbours, but even in respect of those times which were justly accounted the most fortunate. He made warm protestations of sincerity in the reformed religion; he promised indulgence to tender consciences with regard to the ceremonies of the church; he mentioned his great concessions to national liberty; he blamed the infamous libels every-where dispersed against his person and the national religion; he complained of the general reproaches thrown out in the remonstrance, with regard to ill counsels, though he had protected no minister from parliamentary justice, retained no unpopular servant, and conferred offices on no one who enjoyed not a high character and estimation in the public. "If, notwithstanding this," he adds, "any malignant party shall take heart, and be willing to sacrifice the peace and happiness of their "country to their own sinister ends and ambition, "under whatever pretence of religion and conscience; if they shall endeavour to lessen my reputation and interest, and to weaken my lawful power "and authority; if they shall attempt, by discountenancing the present laws, to loosen the bands of "government, that all disorder and confusion may "break in upon us; I doubt not but God, in his "good time will discover them to me, and that the "wisdom and courage of my high court of parliament will join with me in their suppression and punishment[w]." Nothing shows more evidently the

[w] Nalson, vol. ii. p. 748.

hard

CHAP. LV. 1641.

hard ſituation in which Charles was placed, than to obſerve, that he was obliged to confine himſelf within the limits of civility towards ſubjects, who had tranſgreſſed all bounds of regard and even of good manners, in the treatment of their ſovereign.

The firſt inſtance of thoſe parliamentary encroachments, which Charles was now to look for, was the bill for preſſing ſoldiers to the ſervice of Ireland. This bill quickly paſſed the lower houſe. In the preamble, the king's power of preſſing, a power exerciſed during all former times, was declared illegal, and contrary to the liberty of the ſubject. By a neceſſary conſequence, the prerogative, which the crown had ever aſſumed, of obliging men to accept of any branch of public ſervice, was aboliſhed and annihilated: A prerogative, it muſt be owned, not very compatible with a limited monarchy. In order to elude this law, the king offered to raiſe 10,000 volunteers for the Iriſh ſervice: But the commons were afraid leſt ſuch an army ſhould be too much at his devotion. Charles, ſtill unwilling to ſubmit to ſo conſiderable diminution of power, came to the houſe of peers, and offered to paſs the law without the preamble; by which means, he ſaid, that ill-timed queſtion with regard to the prerogative would for the preſent be avoided, and the pretenſions of each party be left entire. Both houſes took fire at this meaſure, which, from a ſimilar inſtance, while the bill of attainder againſt Strafford was in dependence, Charles might foreſee, would be received with reſentment. The lords, as well as commons, paſſed a vote, declaring it to be a high breach of privilege for the king to take notice of any bill which was in agitation in either of the houſes, or to expreſs his ſentiments with regard to it, before it be preſented to him for

CHAP. LV. 1642.

for his assent in a parliamentary manner. The king was obliged to compose all matters by an apology [x].

The general opinion, we may observe, with regard to privileges of parliament, has always been, and still continues, one of the greatest mysteries in the English constitution; and, in some respects, notwithstanding the accurate genius of that government, these privileges are at present as undetermined as were formerly the prerogatives of the crown. Such privileges as are founded on long precedent cannot be controverted: But though it were certain, that former kings had not, in any instance, taken notice of bills lying before the houses (which yet appears to have been very common) it follows not, merely from their never exerting such a power, that they had renounced it, or never were possessed of it. Such privileges also as are essential to all free assemblies which deliberate, they may be allowed to assume, whatever precedents may prevail: But though the king's interposition, by an offer or advice, does in some degree overawe or restrain liberty; it may be doubted, whether it imposes such evident violence as to entitle the parliament, without any other authority or concession, to claim the privilege of excluding it. But this was the favourable time for extending privileges; and had none more exorbitant or unreasonable been challenged, few bad consequences had followed. The establishment of this rule, it is certain, contributes to the order and regularity, as well as freedom, of parliamentary proceedings.

The interposition of peers in the election of commoners was likewise about this time declared a breach of privilege; and continues ever since to be condemned by votes of the commons, and universally practised throughout the nation.

x Rushworth, vol. v. p. 457, 458, &c. Clarendon, vol. ii. p. 327. Nalson, vol. ii. p 738. 750, 751, &c.

Every

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Every measure pursued by the commons, and, still more, every attempt made by their partisans, were full of the most inveterate hatred against the hierarchy, and showed a determined resolution of subverting the whole ecclesiastical establishment. Besides numberless vexations and persecutions which the clergy underwent from the arbitrary power of the lower house, the peers, while the king was in Scotland, having passed an order for the observance of the laws with regard to public worship, the commons assumed such authority, that, by a vote alone of their house, they suspended those laws, though enacted by the whole legislature: And they particularly forbade bowing at the name of Jesus; a practice which gave them the highest scandal, and which was one of their capital objections against the established religion[y]. They complained of the king's filling five vacant sees, and considered it as an insult upon them, that he should complete and strengthen an order, which they intended soon entirely to abolish[z]. They had accused thirteen bishops of high treason, for enacting canons without consent of parliament[a], though, from the foundation of the monarchy, no other method had ever been practised: And they now insisted, that the peers, upon this general accusation, should sequester those bishops from their seats in parliament, and commit them to prison. The bill for taking away the bishops' votes had last winter been rejected by the peers: But they again introduced the same bill, though no prorogation had intervened; and they endeavoured, by some minute alterations, to elude that rule of parliament, which opposed them. And when they sent up this bill to the lords, they made a demand, the most absurd in the world, that the bishops, being all of them parties, should be refused

y Rushworth, vol. v. p. 385, 386. Nalson, vol. ii. p. 482.

z Nalson, vol ii. p. 511.

a Rush. vol. v. p. 359.

a vote

a vote with regard to that question [b]. After the resolution was once formed by the commons, of invading the eſtabliſhed government of church and ſtate, it could not be expected that their proceedings, in ſuch a violent attempt, would thenceforth be altogether regular and equitable: But it muſt be confeſſed, that, in their attack on the hierarchy, they ſtill more openly paſſed all bounds of moderation; as ſuppoſing, no doubt, that the ſacredneſs of the cauſe would ſufficiently atone for employing means the moſt irregular and unprecedented. This principle, which prevails ſo much among zealots, never diſplayed itſelf ſo openly as during the tranſactions of this whole period.

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But, notwithſtanding theſe efforts of the commons, they could not expect the concurrence of the upper houſe, either to this law, or to any other which they ſhould introduce for the farther limitation of royal authority. The majority of the peers adhered to the king, and plainly foreſaw the depreſſion of nobility, as a neceſſary conſequence of popular uſurpations on the crown. The inſolence, indeed, of the commons, and their haughty treatment of the lords, had already riſen to a great height, and gave ſufficient warning of their future attempts upon that order. They muttered ſomewhat of their regret that they ſhould be obliged to ſave the kingdom alone, and that the houſe of peers would have no part in the honour. Nay, they went ſo far as openly to tell the lords, "That they themſelves were the repre-
"ſentative body of the whole kingdom, and that
"the peers were nothing but individuals, who held
"their ſeats in a particular capacity: And therefore,
"if their lordſhips will not conſent to the paſſing of
"acts neceſſary for the preſervation of the people,
"the commons, together with ſuch of the lords as
"are more ſenſible of the danger, muſt join together,

[b] Clarendon, vol. ii. p. 304.

"and

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"and repreſent the matter to his majeſty[c]." So violent was the democratical, enthuſiaſtic ſpirit diffuſed throughout the nation, that a total confuſion of all rank and order was juſtly to be apprehended; and the wonder was not, that the majority of the nobles ſhould ſeek ſhelter under the throne, but that any of them ſhould venture to deſert it. But the tide of popularity ſeized many, and carried them wide of the moſt eſtabliſhed maxims of civil policy. Among the opponents of the king are ranked the earl of Northumberland, lord admiral, a man of the firſt family and fortune, and endowed with that dignified pride which ſo well became his rank and ſtation: The earl of Eſſex, who inherited all his father's popularity, and having, from his early youth, ſought renown in arms, united to a middling capacity that rigid inflexibility of honour which forms the proper ornament of a nobleman and a ſoldier: Lord Kimbolton, ſoon after earl of Manchester, a perſon diſtinguiſhed by humanity, generoſity, affability, and every amiable virtue. Theſe men, finding that their credit ran high with the nation, ventured to encourage thoſe popular diſorders, which, they vainly imagined, they poſſeſſed authority ſufficient to regulate and controul.

In order to obtain a majority in the upper houſe, the commons had recourſe to the populace, who, on other occaſions, had done them ſuch important ſervice. Amidſt the greateſt ſecurity, they affected continual fears of deſtruction to themſelves and the nation, and ſeemed to quake at every breath or rumour of danger. They again excited the people by never-ceaſing enquiries after conſpiracies, by reports of inſurrections, by feigned intelligence of invaſions from abroad, by diſcoveries of dangerous combinations at home among Papiſts and their adherents. When Charles diſmiſſed the guard which they had or-

[c] Clarendon, vol. ii. p. 415.

dered

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dered during his abſence, they complained; and, upon his promiſing them a new guard, under the command of the earl of Lindeſey, they abſolutely refuſed the offer, and were well pleaſed to inſinuate, by this inſtance of jealouſy, that their danger chiefly roſe from the king himſelf[d]. They ordered halberts to be brought into the hall where they aſſembled, and thus armed themſelves againſt thoſe conſpiracies with which they pretended they were hourly threatened. All ſtories of plots, however ridiculous, were willingly attended to, and were diſperſed among the multitude, to whoſe capacity they were well adapted. Beale, a tailor, informed the commons, that, walking in the fields, he had hearkened to the diſcourſe of certain perſons, unknown to him, and had heard them talk of a moſt dangerous conſpiracy. A hundred and eight ruffians, as he learned, had been appointed to murder a hundred and eight lords and commoners, and were promiſed rewards for theſe aſſaſſinations, ten pounds for each lord, forty ſhillings for each commoner. Upon this notable intelligence, orders were iſſued for ſeizing prieſts and jeſuits, a conference was deſired with the lords, and the deputy-lieutenants of ſome ſuſpected counties were ordered to put the people in a poſture of defence[e].

The pulpits likewiſe were called in aid, and reſounded with the dangers which threatened religion, from the deſperate attempts of Papiſts and malignants. Multitudes flocked towards Weſtminſter, and inſulted the prelates and ſuch of the lords as adhered to the crown. The peers voted a declaration againſt thoſe tumults, and ſent it to the lower houſe; but theſe refuſed their concurrence[f]. Some ſeditious

[d] Journ. 30th Nov. 1641. Nalſon, vol. ii. p. 688.

[e] Nalſon, vol. ii. p. 646. Journ. 16th Nov. 1641. Dugdale, p. 77.

[f] Ruſhworth, part iii. vol. i. p. 71e.

apprentices,

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apprentices, being ſeized and committed to priſon, immediately received their liberty, by an order of the commons [g]. The ſheriffs and juſtices having appointed conſtables with ſtrong watches to guard the parliament, the commons ſent for the conſtables, and required them to diſcharge the watches, convened the juſtices, voted their orders a breach of privilege, and ſent one of them to the Tower [h]. Encouraged by theſe intimations of their pleaſure, the populace crowded about Whitehall, and threw out inſolent menaces againſt Charles himſelf. Several reduced officers and young gentlemen of the inns of court, during this time of diſorder and danger, offered their ſervice to the king. Between them and the populace there paſſed frequent ſkirmiſhes, which ended not without bloodſhed. By way of reproach, theſe gentlemen gave the rabble the appellation of ROUNDHEADS, on account of the ſhort cropt hair which they wore: Theſe called the others CAVALIERS.—And thus the nation, which was before ſufficiently provided with religious as well as civil cauſes of quarrel, was alſo ſupplied with party-names, under which the factions might rendezvous, and ſignalize their mutual hatred [i].

Meanwhile, the tumults ſtill continued, and even increaſed, about Weſtminſter and Whitehall. The cry inceſſantly reſounded againſt *biſhops and rotten-hearted lords* [k]. The former, eſpecially, being diſtinguiſhable by their habit, and being the object of violent hatred to all the ſectaries, were expoſed to the moſt dangerous inſults [l]. Williams, now created archbiſhop of York, having been abuſed by the populace, haſtily called a meeting of his
Dec. 27. brethren. By his advice, a proteſtation was drawn, and addreſſed to the king and the houſe of lords.

g Nalſon, vol. ii. p. 784. 792.
h Ibid. p. 792. Journ. 27th, 28th, and 29th of December, 1641.
i Clarendon, vol. ii. p. 339.
k Idem, ibid. p. 336.
l Dugdale, p. 78.

The

The biſhops there ſet forth, that though they had an undoubted right to ſit and vote in parliament, yet in coming thither, they had been menaced, aſſaulted, affronted by the unruly multitude, and could no longer with ſafety attend their duty in the houſe. For this reaſon they proteſted againſt all laws, votes, and reſolutions, as null and invalid, which ſhould paſs during the time of their conſtrained abſence. This proteſtation, which, though juſt and legal, was certainly ill-timed, was ſigned by twelve biſhops, and communicated to the king, who haſtily approved of it. As ſoon as it was preſented to the lords, that houſe deſired a conference with the commons, whom they informed of this unexpected proteſtation. The opportunity was ſeized with joy and triumph. An impeachment of high treaſon was immediately ſent up againſt the biſhops, as endeavouring to ſubvert the fundamental laws, and to invalidate the authority of the legiſlature [m]. They were, on the firſt demand, ſequeſtrated from parliament, and committed to cuſtody. No man in either houſe ventured to ſpeak a word in their vindication; ſo much diſpleaſed was every one at the egregious imprudence of which they had been guilty. One perſon alone ſaid, that he did not believe them guilty of high treaſon; but that they were ſtark mad, and therefore deſired they might be ſent to bedlam [n].

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Impeachment of biſhops.

A few days after, the king was betrayed into another indiſcretion, much more fatal: An indiſcretion to which all the enſuing diſorders and civil wars ought immediately and directly to be aſcribed. This was the impeachment of Lord Kimbolton and the five members.

1642.

When the commons employed in their remonſtrance language ſo ſevere and indecent, they had not been ac-

m Whitlocke, p. 51. Ruſhworth, vol. v. p. 466. Nalſon, vol. ii. p. 794.

n Clarendon, vol. ii. p. 355.

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tuated entirely by insolence and passion: Their views were more solid and profound. They considered, that, in a violent attempt, such as an invasion of the ancient constitution, the more leisure was afforded the people to reflect, the less would they be inclined to second that rash and dangerous enterprize; that the peers would certainly refuse their concurrence, nor were there any hopes of prevailing on them, but by instigating the populace to tumult and disorder; that the employing of such odious means for so invidious an end, would, at long-run, lose them all their popularity, and turn the tide of favour to the contrary party; and that if the king only remained in tranquillity, and cautiously eluded the first violence of the tempest, he would in the end certainly prevail, and be able at least to preserve the ancient laws and constitution. They were therefore resolved, if possible, to excite him to some violent passion; in hopes that he would commit indiscretions of which they might make advantage.

It was not long before they succeeded beyond their fondest wishes. Charles was enraged to find that all his concessions but encreased their demands; that the people, who were returning to a sense of duty towards him, were again roused to sedition and tumults; that the blackest calumnies were propagated against him, and even the Irish massacre ascribed to his counsels and machinations; and that a method of address was adopted, not only unsuitable towards so great a prince, but which no private gentleman could bear without resentment. When he considered all these increasing acts of insolence in the commons, he was apt to ascribe them in a great measure to his own indolence and facility. The queen and the ladies of the court farther stimulated his passion, and represented, that, if he exerted the vigour, and displayed the majesty of a monarch, the daring usurpations of his

his ſubjects would ſhrink before him. Lord Digby, a man of fine parts, but full of levity, and hurried on by precipitate paſſions, ſuggeſted like counſels; and Charles, who, though commonly moderate in his temper, was ever diſpoſed to haſty reſolutions, gave way to the fatal importunity of his friends and ſervants[o]. CHAP. LV. 1642.

Herbert, attorney general, appeared in the houſe of peers, and in his majeſty's name, entered an accuſation of high treaſon againſt Lord Kimbolton and five commoners, Hollis, Sir Arthur Hazlerig, Hampden, Pym, and Strode. The articles were, That they had traiterouſly endeavoured to ſubvert the fundamental laws and government of the kingdom, to deprive the king of his regal power, and to impoſe on his ſubjects an arbitrary and tyrannical authority; that they had endeavoured by many foul aſperſions on his majeſty and his government, to alienate the affections of his people, and make him odious to them; that they had attempted to draw his late army to diſobedience of his royal commands, and to ſide with them in their traiterous deſigns; that they had invited and encouraged a foreign power to invade the kingdom; that they had aimed at ſubverting the rights and very being of parliament; that in order to complete their traiterous deſigns, they had endeavoured, as far as in them lay, by force and terror, to compel the parliament to join with them, and to that end, had actually raiſed and countenanced tumults againſt the king and parliament; and that they had traiterouſly conſpired to levy, and actually had levied war againſt the king[p]. Accuſation of the five members.

The whole world ſtood amazed at this important accuſation, ſo ſuddenly entered upon, without concert, deliberation, or reflection. Some of theſe articles of accuſation, men ſaid, to judge by appear-

o Clarendon, vol. ii. p. 360. vol. v. p. 473. Nalſon, vol. ii. p. 811.
p Whitlocke, p. 50. Ruſhworth, Franklyn, p. 906.

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ance, ſeem to be common between the impeached members and the parliament; nor did theſe perſons appear any farther active in the enterprizes of which they were accuſed, than ſo far as they concurred with the majority in their votes and ſpeeches. Tho' proofs might perhaps be produced, of their privately inviting the Scots to invade England; how could ſuch an attempt be conſidered as treaſon, after the act of oblivion which had paſſed, and after that both houſes, with the king's concurrence, had voted that nation three hundred thouſand pounds for their brotherly aſſiſtance! While the houſe of peers are ſcarcely able to maintain their independency, or to reject the bills ſent them by the commons, will they ever be permitted by the populace, ſuppoſing them inclined, to paſs a ſentence which muſt totally ſubdue the lower houſe, and put an end to their ambitious undertakings? Theſe five members, at leaſt Pym, Hambden, and Hollis, are the very heads of the popular party; and if theſe be taken off, what fate muſt be expected by their followers, who are many of them accomplices in the ſame treaſon? The puniſhment of leaders is ever the laſt triumph over a broken and routed party; but ſurely was never before attempted, in oppoſition to a faction, during the full tide of its power and ſucceſs.

But men had not leiſure to wonder at the indiſcretion of this meaſure: Their aſtoniſhment was excited by new attempts, ſtill more precipitate and imprudent. A ſerjeant at arms, in the king's name, demanded of the houſe the five members; and was ſent back without any poſitive anſwer. Meſſengers were employed to ſearch for them and arreſt them. Their trunks, chambers, and ſtudies, were ſealed, and locked. The houſe voted all theſe acts of violence to be breaches of privilege, and commanded every one to defend the liberty of the members[q].

[q] Whitlocke, p. 50. Ruſhworth, vol. v. p. 474, 475.

The

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The king, irritated by all this oppoſition, reſolved next day to come in perſon to the houſe, with an intention to demand, perhaps ſeize in their preſence, the perſons whom he had accuſed.

This reſolution was diſcovered to the counteſs of Carliſle, ſiſter to Northumberland, a lady of ſpirit, wit, and intrigue[r]. She privately ſent intelligence to the five members; and they had time to withdraw a moment before the king entered. He was accompanied by his ordinary retinue to the number of above two hundred, armed as uſual, ſome with halberts, ſome with walking ſwords. The king left them at the door, and he himſelf advanced alone through the hall; while all the members roſe to receive him. The ſpeaker withdrew from his chair, and the king took poſſeſſion of it. The ſpeech which he made was as follows:—"Gentlemen, I am ſorry "for this occaſion of coming to you. Yeſterday I "ſent a ſerjeant at arms to demand ſome, who, by "my order, were accuſed of high treaſon. Inſtead "of obedience, I received a meſſage. I muſt here "declare to you, that, though no king that ever "was in England, could be more careful of your "privileges than I ſhall be, yet, in caſes of treaſon, "no perſon has privilege. Therefore, am I come "to tell you, that I muſt have theſe men whereſo-"ever I can find them. Well, ſince I ſee all the "birds are flown, I do expect that you will ſend "them to me as ſoon as they return. But I aſſure "you, on the word of a king, I never did intend "any force, but ſhall proceed againſt them in a fair "and legal way: For I never meant any other.— "And now ſince I ſee I cannot do what I came for, "I think this is no unfit occaſion to repeat what I "have ſaid formerly, that whatever I have done in "favour and to the good of my ſubjects, I do in-"tend to maintain it[s]."

[r] Whitlocke, p. 51. Warwick, p. 204.

[s] Whitlocke, p. 50.

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When the king was looking around for the accuſed members, he aſked the ſpeaker, who ſtood below, whether any of theſe perſons were in the houſe? The ſpeaker, falling on his knee, prudently replied, "I have, Sir, neither eyes to ſee, nor tongue to "ſpeak in this place, but as the houſe is pleaſed to "direct me, whoſe ſervant I am. And I humbly aſk "pardon, that I cannot give any other anſwer to "what your majeſty is pleaſed to demand of me[t]."

The commons were in the utmoſt diſorder; and, when the king was departing, ſome members cried aloud, ſo as he might hear them, *Privilege! privilege!* And the houſe immediately adjourned till next day[u].

That evening, the accuſed members, to ſhow the greater apprehenſion, removed into the city, which was their fortreſs. The citizens were the whole night in arms. Some people, who were appointed for that purpoſe, or perhaps actuated by their own terrors, ran from gate to gate, crying out, that the cavaliers were coming to burn the city, and that the king himſelf was at their head.

Next morning, Charles ſent to the mayor, and ordered him to call a common-council immediately.—About ten o'clock, he himſelf, attended only by three or four lords, went to Guildhall. He told the common-council, that he was ſorry to hear of the apprehenſions entertained of him; that he was come to them without any guard, in order to ſhow how much he relied on their affections; and that he had accuſed certain men of high treaſon, againſt whom he would proceed in a legal way, and therefore preſumed that they would not meet with protection in the city. After many other gracious expreſſions, he told one of the ſheriffs, who of the two was thought the leaſt inclined to his ſervice, that he would dine with him. He departed the hall without receiving

t Whitlocke, p. 50. May, book ii. p. 20.

u Whitlocke, p. 51.

the

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the applauſe which he expected. In paſſing through the ſtreets, he heard the cry, *Privilege of parliament! privilege of parliament!* reſounding from all quarters. One of the populace, more inſolent than the reſt, drew nigh to his coach, and called out with a loud voice, *To your tents, O Iſrael!* the words employed by the mutinous Iſraelites when they abandoned Rehoboam, their raſh and ill-counſelled ſovereign [w].

When the houſe of commons met, they affected the greateſt diſmay; and adjourning themſelves for ſome days, ordered a committee to ſit in Merchant-Taylors Hall in the city. The committee made an exact enquiry into all circumſtances attending the king's entry into the houſe: Every paſſionate ſpeech, every menacing geſture of any, even the meaneſt, of his attendants, was recorded and aggravated. An intention of offering violence to the parliament, of ſeizing the accuſed members in the very houſe, and of murdering all who ſhould make reſiſtance, was inferred. And that unparalleled breach of privilege, ſo it was called, was ſtill aſcribed to the counſel of Papiſts and their adherents. This expreſſion, which then recurred every moment in ſpeeches and memorials, and which, at preſent, is ſo apt to excite laughter in the reader, begat at that time the deepeſt and moſt real conſternation throughout the kingdom.

A letter was pretended to be intercepted, and was communicated to the committee, who pretended to lay great ſtreſs upon it. One Catholic there congratulates another on the accuſation of the members; and repreſents that incident as a branch of the ſame pious contrivance which had excited the Iriſh inſurrection, and by which the profane heretics would ſoon be exterminated in England [x].

w Ruſhworth, vol. v. p. 479. Clarendon, vol. ii. p. 361.
x Nalſon, vol. ii. p. 836.

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1642.

The houſe again met; and, after confirming the votes of their committee, inſtantly adjourned, as if expoſed to the moſt imminent perils from the violence of their enemies. This practice they continued for ſome time. When the people, by theſe affected panics, were wrought up to a ſufficient degree of rage and terror, it was thought proper, that the accuſed members ſhould, with a triumphant and military proceſſion, take their ſeats in the houſe. The river was covered with boats and other veſſels, laden with ſmall pieces of ordnance, and prepared for fight. Skippon, whom the parliament had appointed, by their own authority, major-general of the city-militia[y], conducted the members, at the head of this tumultuary army, to Weſtminſter-hall. And when the populace, by land and by water, paſſed Whitehall, they ſtill aſked, with inſulting ſhouts, *What was become of the king and his cavaliers? And whither are they fled*[z]?

Tumults.

The king, apprehenſive of danger from the enraged multitude, had retired to Hampton-court, deſerted by all the world, and overwhelmed with grief, ſhame, and remorſe, for the fatal meaſures into which he had been hurried. His diſtreſſed ſituation he could no longer aſcribe to the rigors of deſtiny, or the malignity of enemies: His own precipitancy and indiſcretion muſt bear the blame of whatever diſaſters ſhould henceforth befal him. The moſt faithful of his adherents, between ſorrow and indignation, were confounded with reflections on what had happened, and what was likely to follow. Seeing every proſpect blaſted, faction triumphant, the diſcontented populace inflamed to a degree of fury, they utterly deſpaired of ſucceſs in a cauſe to whoſe ruin friends and enemies ſeemed equally to conſpire.

King leaves London.

y Nalſon, vol. ii. p. 833.
z Whitlocke, p. 52. Dugdale, p. 82. Clarendon, vol. ii. p. 380.

The

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The prudence of the king, in his conduct of this affair, nobody pretended to juſtify. The legality of his proceedings met with many and juſt apologies; though generally offered to unwilling ears. No maxim of law, it was ſaid, is more eſtabliſhed or more univerſally allowed, than that privilege of parliament extends not to treaſon, felony, or breach of peace; nor has either houſe, during former ages, ever pretended, in any of thoſe caſes, to interpoſe in behalf of its members. Though ſome inconveniencies ſhould reſult from the obſervance of this maxim, that would not be ſufficient, without other authority, to aboliſh a principle eſtabliſhed by uninterrupted precedent, and founded on the tacit conſent of the whole legiſlature. But what are the inconveniencies ſo much dreaded? The king, on pretence of treaſon, may ſeize any members of the oppoſite faction, and for a time gain to his partizans the majority of voices. But if he ſeize only a few, will he not loſe more friends by ſuch a groſs artifice, than he confines enemies? If he ſeize a great number, is not this expedient force, open and barefaced? And what remedy at all times againſt ſuch force, but to oppoſe to it a force which is ſuperior? Even allowing that the king intended to employ violence, not authority, for ſeizing the members; though at that time, and ever afterwards, he poſitively aſſerted the contrary; yet will his conduct admit of excuſe. That the hall where the parliament aſſembles, is an inviolable ſanctuary, was never yet pretended. And if the commons complain of the affront offered them, by an attempt to arreſt their members in their very preſence, the blame muſt lie entirely on themſelves, who had formerly refuſed compliance with the king's meſſage, when he peaceably demanded theſe members. The ſovereign is the great executor of the laws; and his preſence was here legally employed, both in order to prevent oppoſition, and to protect

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protect the houſe againſt thoſe inſults which their diſobedience had ſo well merited.

Charles knew to how little purpoſe he ſhould urge theſe reaſons againſt the preſent fury of the commons. He propoſed, therefore, by a meſſage, that they would agree upon a legal method by which he might carry on his proſecution againſt the members, leſt farther miſunderſtandings happen with regard to privilege. They deſired him to lay the grounds of accuſation before the houſe; and pretended that they muſt firſt judge, whether it were proper to give up their members to a legal trial. The king then informed them, that he would wave, for the preſent, all proſecution. By ſucceſſive meſſages, he afterwards offered a pardon to the members; offered to concur in any law that ſhould acquit or ſecure them; offered any reparation to the houſe for the breach of privilege, of which he acknowledged they had reaſon to complain [b]. They were reſolved to accept of no ſatisfaction, unleſs he would diſcover his adviſers in that illegal meaſure: A condition to which, they knew that, without rendering himſelf for ever vile and contemptible, he could not poſſibly ſubmit. Meanwhile, they continued to thunder againſt the violation of parliamentary privileges, and, by their violent outcries, to inflame the whole nation. The ſecret reaſon of their diſpleaſure, however obvious, they carefully concealed. In the king's accuſation of the members, they plainly ſaw his judgment of late parliamentary proceedings; and every adherent of the ruling faction dreaded the ſame fate, ſhould royal authority be re-eſtabliſhed in its ancient luſtre. By the moſt unhappy conduct, Charles, while he extremely augmented, in his opponents, the will, had alſo encreaſed the ability of hurting him.

[b] Dugdale, p. 84. Ruſhworth, vol. v. p 484. 488. 492, &c.

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The more to excite the people, whose dispositions were already very seditious, the expedient of petitioning was renewed. A petition from the county of Buckingham was presented to the house by six thousand subscribers, who promised to live and die in defence of the privileges of parliament [c]. The city of London, the county of Essex, that of Hertford, Surrey, Berks, imitated the example. A petition from the apprentices was graciously received [d]. Nay, one was encouraged from the porters, whose numbers amounted, as they said, to fifteen thousand [e]. The address of that great body contained the same articles with all the others; the privileges of parliament, the danger of religion, the rebellion of Ireland, the decay of trade. The porters farther desired, that justice might be done upon offenders as the atrociousness of their crimes had deserved. And they added, *That if such remedies were any longer suspended, they should be forced to extremities not fit to be named, and make good the saying*, "That necessity has no law [f]."

Another petition was presented by several poor people, or beggars, in the name of many thousands more; in which the petitioners proposed as a remedy for the public miseries, *That those noble worthies of the house of peers, who concur with the happy votes of the commons, may separate themselves from the rest, and sit and vote as one entire body.* The commons gave thanks for this petition [g].

The very women were seized with the same rage. A brewer's wife, followed by many thousands of her sex, brought a petition to the house, in which the petitioners expressed their terror of the Papists and prelates, and their dread of like massacres, rapes, and outrages, with those which had been committed upon their sex in Ireland. They had been necessita-

c Rushworth, vol. v. p. 487.
d Idem, ibid. p. 462.
e Dugdale, p. 87.
f Clarendon, vol. ii. p. 412.
g Idem, ibid. p. 413.

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ted, they ſaid, to imitate the example of the woman of Tekoah; and they claimed equal right with the men, of declaring, by petition, their ſenſe of the public cauſe, becauſe Chriſt had purchaſed them at as dear a rate, and in the free enjoyment of Chriſt conſiſts equally the happineſs of both ſexes. Pym came to the door of the houſe, and, having told the female zealots, that their petition was thankfully accepted, and was preſented in a ſeaſonable time, he begged that their prayers for the ſucceſs of the commons might follow their petition. Such low arts of popularity were affected! and, by ſuch illiberal cant were the unhappy people incited to civil diſcord and convulſions!

In the mean time, not only all petitions which favoured the church or monarchy, from whatever hand they came, were diſcouraged, but the petitioners were ſent for, impriſoned, and proſecuted as delinquents; and this unequal conduct was openly avowed and juſtified. Whoever deſire a change, it was ſaid, muſt expreſs their ſentiments: for how, otherwiſe, ſhall they be known? But thoſe who favour the eſtabliſhed government in church or ſtate ſhould not petition, becauſe they already enjoy what they wiſh for [h].

The king had poſſeſſed a great party in the lower houſe, as appeared in the vote for the remonſtrance; and this party, had every new cauſe of diſguſt been carefully avoided, would ſoon have become the majority, from the odium attending the violent meaſures embraced by the popular leaders. A great majority he always poſſeſſed in the houſe of peers, even after the biſhops were confined or chaced away; and this majority could not have been overcome, but by outrages, which, in the end, would have drawn diſgrace and ruin on thoſe who incited them. By the preſent fury of the people, as by an inundation, were all theſe obſtacles ſwept away, and every

h Clarendon, vol. ii. p. 449.

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part of royal authority laid level with the ground. The victory was purſued with impetuoſity by the ſagacious commons, who knew the importance of a favourable moment in all popular commotions. The terror of their authority they extended over the whole nation; and all oppoſition, and even all blame vented in private converſation, were treated as the moſt atrocious crimes, by theſe ſevere inquiſitors. Scarcely was it permitted to find fault with the conduct of any particular member, if he made a figure in the houſe; and reflections, thrown out on Pym, were at this time treated as breaches of privilege. The populace without doors were ready to execute, from the leaſt hint, the will of their leaders; nor was it ſafe for any member to approach either houſe, who pretended to controul or oppoſe the general torrent. After ſo undiſguiſed a manner was this violence conducted, that Hollis, in a ſpeech to the peers, deſired to know the names of ſuch members as ſhould vote contrary to the ſentiments of the commons[i]: And Pym ſaid in the lower houſe, that the people muſt not be reſtrained in the expreſſions of their juſt deſires[k].

By the flight, or terror, or deſpondency of the king's party, an indiſputed majority remained everywhere to their opponents; and the bills ſent up by the commons, which had hitherto ſtopped with the peers, and would certainly have been rejected, now paſſed, and were preſented for the royal aſſent. Theſe were the preſſing bill, with its preamble, and the bill againſt the votes of the biſhops in parliament. The king's authority was at that time reduced to the loweſt ebb. The queen too, being ſecretly threatened with an impeachment, and finding no reſource in her huſband's protection, was preparing to retire into Holland. The rage of the people was, on account of her religion, as well as her ſpirit and

i King's Declar. of 12 Auguſt, 1642. k Ibid.

activity,

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activity, universally levelled against her. Usage, the most contumelious, she had hitherto borne with silent indignation. The commons, in their fury against priests, had seized her very confessor; nor would they release him upon her repeated applications. Even a visit of the prince to his mother had been openly complained of, and remonstrances against it had been presented to her[l]. Apprehensive of attacks still more violent, she was desirous of facilitating her escape; and she prevailed with the king to pass these bills, in hopes of appeasing, for a time, the rage of the multitude[m].

These new concessions, however important, the king immediately found to have no other effect than had all the preceding ones: They were made the foundation of demands still more exorbitant. From the facility of his disposition, from the weakness of his situation, the commons believed that he could now refuse them nothing. And they regarded the least moment of relaxation in their invasion of royal authority, as highly impolitic, during the uninterrupted torrent of their successes. The very moment they were informed of these last acquisitions, they affronted the queen, by opening some intercepted letters written to her by lord Digby: They carried up an impeachment against Herbert, attorney-general, for obeying his master's commands in accusing their members[n]. And they prosecuted, with fresh vigour, their plan of the militia, on which they rested all future hopes of an uncontrouled authority.

The commons were sensible, that monarchical government, which, during so many ages, had been established in England, would soon regain some degree of its former dignity, after the present tempest was overblown; nor would all their new-invented li-

l Nalson, vol. ii. p. 512.
m Clarendon, vol ii. p. 428.
n Rush. vol. v. p. 489. Clarendon, vol. ii. p. 385.

mitations

nations be able totally to ſuppreſs an authority to which the nation had ever been accuſtomed. The ſword alone, to which all human ordinances muſt ſubmit, could guard their acquired power, and fully enſure to them perſonal ſafety againſt the riſing indignation of their ſovereign. This point, therefore, became the chief object of their aims. A large magazine of arms being placed in the town of Hull, they diſpatched thither Sir John Hotham, a gentleman of conſiderable fortune in the neighbourhood, and of an ancient family; and they gave him the authority of governor. They ſent orders to Goring, governor of Portſmouth, to obey no commands but ſuch as he ſhould receive from the parliament. Not content with having obliged the king to diſplace Lunsford, whom he had appointed governor of the Tower[o], they never ceaſed ſoliciting him, till he had alſo diſplaced Sir John Biron, a man of unexceptionable character, and had beſtowed that command on Sir John Conyers, in whom alone, they ſaid, they could repoſe confidence. After making a fruitleſs attempt, in which the peers refuſed their concurrence, to give public warning, that the people ſhould put themſelves in a poſture of defence againſt the enterpriſes of *papiſts and other ill-affected perſons*[p], they now reſolved, by a bold and deciſive ſtroke, to ſeize at once the whole power of the ſword, and to confer it entirely on their own own creatures and adherents.

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The ſevere votes, paſſed in the beginning of this parliament, againſt lieutenants and their deputies, for exerciſing powers aſſumed by all their predeceſſors, had totally diſarmed the crown, and had not left in any magiſtrate military authority ſufficient for the defence and ſecurity of the nation. To remedy this inconvenience now appeared neceſſary. A bill was introduced and paſſed the two houſes, which reſtored to lieutenants and deputies the ſame powers, of

[o] Ruſh, vol. v. p. 459. [p] Nalſon, vol. ii. p. 850.

which

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which the votes of the commons had bereaved them; but at the same time the names of all the lieutenants were inserted in the bill; and these consisted entirely of men in whom the parliament could confide. And for their conduct, they were accountable, by the express terms of the bill, not to the king, but to the parliament.

The policy pursued by the commons, and which had hitherto succeeded to admiration, was, to astonish the king by the boldness of their enterprises, to intermingle no sweetness with their severity, to employ expressions no less violent than their pretensions, and to make him sensible in what little estimation they held both his person and his dignity. To a bill so destructive of royal authority, they prefixed, with an insolence seemingly wanton, a preamble equally dishonourable to the personal character of the king. These are the words: "Whereas there has been of "late a most dangerous and desperate design upon "the house of commons, which we have just cause "to believe an effect of the bloody counsels of Papists and other ill-affected persons, who have already raised a rebellion in the kingdom of Ireland. "And whereas, by reason of many discoveries, we "cannot but fear they will proceed, not only to stir "up the like rebellions and insurrections in this "kingdom of England, but also to back them with "forces from abroad, &c [q]."

Here Charles first ventured to put a stop to his concessions; and that not by a refusal, but a delay. When this demand was made; a demand which, if granted, the commons justly regarded as the last they should ever have occasion to make; he was at Dover, attending the queen and the princess of Orange, in their embarkation. He replied, that he had not now leisure to consider a matter of so great import-

[q] Rush. vol. v. p. 519.

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nice, and muſt therefore reſpite his anſwer till his return[r]. The parliament inſtantly diſpatched another meſſage to him, with ſolicitations ſtill more importunate. They expreſſed great grief on account of his majeſty's anſwer to their juſt and neceſſary petition. They repreſented, that any delay, during dangers and diſtractions ſo great and preſſing, was not leſs unſatisfactory and deſtructive than an abſolute denial. They inſiſted, that it was their duty to ſee put in execution a meaſure ſo neceſſary for public ſafety. And they affirmed, that the people, in many counties, had applied to them for that purpoſe, and, in ſome places, were, of themſelves, and by their own authority, providing againſt thoſe urgent dangers with which they were threatened[s]. 22d Feb. 28th Feb.

Even after this inſolence, the king durſt not venture upon a flat denial. Beſides excepting to the preamble, which threw ſuch diſhonour upon him, and proteſting the innocence of his intentions when he entered the houſe of commons; he only deſired that the military authority, if it were defective, ſhould firſt be conferred upon the crown; and he promiſed to beſtow commiſſions, but ſuch as ſhould be revocable at pleaſure, on the ſame perſons whom the parliament had named in the bill[t]. By a former meſſage he had expreſſed his wiſhes, that they would lay before him, in one view, all the conceſſions which they deemed requiſite for the ſettlement of the nation. They pretended that they were expoſed to perils ſo dreadful and imminent, that they had not leiſure for ſuch a work[u]. The expedient propoſed by the king ſeemed a ſufficient remedy during this emergence; and yet maintained the prerogatives of the crown entire and unbroken.

But the intentions of the commons were wide of this purpoſe, and their panics could be cured by one 1ſt March.

r Ruſh. vol. v. p. 521.
s Idem, ibid.
t Idem, ibid.
u Idem, ibid. p. 516, 517.

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remedy alone. They inſtantly replied, that the dangers and diſtempers of the nation were ſuch as could endure no longer delay; and, unleſs the king ſpeedily complied with their demands, they ſhould be conſtrained, for the ſafety of prince and people, to diſpoſe of the militia by the authority of both houſes, and were reſolved to do it accordingly. They aſſerted, that thoſe parts of the kingdom which had, from their own authority, put themſelves in a poſture of defence during theſe prevailing fears and jealouſies, had acted ſuitably to the declarations and directions of both houſes, and conformably to the laws of the kingdom. And while they thus menaced the king with their power, they invited him to fix his reſidence at London, where they knew he would be entirely at mercy [w].

"I am ſo much amazed at this meſſage," ſaid the king, in his prompt reply, "that I know not what to "anſwer. You ſpeak of jealouſies and fears! Lay "your hands on your hearts, and aſk yourſelves, "whether I may not likewiſe be diſturbed with fears "and jealouſies: And if ſo, I aſſure you that this "meſſage has nothing leſſened them.

"As to the militia, I thought ſo much of it before I "gave that anſwer, and am ſo much aſſured that the "anſwer is agreeable to what in juſtice or reaſon "you can aſk, or I in honour grant, that I ſhall not "alter it in any point.

"For my reſidence near you, I wiſh it might be "ſafe and honourable, and that I had no cauſe to "abſent myſelf from Whitehall: Aſk yourſelves "whether I have not [x].

"What would you have? Have I violated your "laws? Have I denied to paſs any bill for the eaſe

w Ruſhworth, part iii. vol. i. chap. iv. p. 523.

x Idem. vol. v. p. 524.

"and

" and security of my subjects? I do not ask what " you have done for me.

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" Have any of my people been transported with " fears and apprehensions? I offer as free and gene- " ral a pardon as yourselves can devise. All this " considered, there is a judgment of heaven upon this " nation, if these distractions continue.

" God so deal with me and mine as all my thoughts " and intentions are upright for the maintenance of " the true Protestant profession, and for the obser- " vance and preservation of the laws; and I hope " God will bless and assist those laws for *my* preserva- " tion[y]."

No sooner did the commons despair of obtaining the king's consent to their bill, than they instantly voted, that those who advised his majesty's answer were enemies to the state, and mischievous projectors against the safety of the nation; that this denial is of such dangerous consequence, that, if his majesty persist in it, it will hazard the peace and tranquillity of all his kingdoms, unless some speedy remedy be applied by the wisdom and authority of both houses; and that such of the subjects as have put themselves in a posture of defence against the common danger, have done nothing but what is justifiable, and approved by the house[z].

Lest the people might be averse to the seconding of all these usurpations, they were plied anew with rumours of danger, with the terrors of invasion, with the dread of English and Irish Papists; and the most unaccountable panics were spread throughout the nation. Lord Digby having entered Kingston in a coach and six, attended by a few livery servants, the intelligence was conveyed to London; and it was immediately voted, that he had appeared in a hostile manner, to

y Rushworth, vol. v. p. 532. z Ibid. part iii. vol. i. chap. iv. p. 524.

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the terror and affright of his majesty's subjects, and had levied war against the king and kingdom [a]. Petitions from all quarters loudly demanded of the parliament to put the nation in a posture of defence: and the county of Stafford, in particular, expressed such dread of an insurrection among the Papists, that every man, they said, was constrained to stand upon his guard, not even daring to go to church unarmed [b].

That the same violence by which he had so long been oppressed, might not still reach him, and extort his consent to the militia bill, Charles had resolved to remove farther from London: And accordingly, taking the prince of Wales and the duke of York along with him, he arrived by slow journies, at York, which he determined for some time to make the place of his residence. The distant parts of the kingdom, being removed from that furious vortex of new principles and opinions which had transported the capital, still retained a sincere regard for the church and monarchy, and the king here found marks of attachment beyond what he had before expected [c]. From all quarters of England, the prime nobility and gentry, either personally, or by messages and letters, expressed their duty towards him; and exhorted him to save himself and them from that ignominious slavery with which they were threatened. The small interval of time which had passed since the fatal accusation of the members, had been sufficient to open the eyes of many, and to recover them from the astonishment with which at first they had been seized. One rash and passionate attempt of the king's seemed but a small counterbalance to so many acts of deliberate violence, which had been offered to him and every branch of the legislature: And however sweet the sound of liberty, many resolved to adhere to that moderate freedom transmitted them from

King arrives at York.

a Clarendon. Rush. part. iii. vol. i. chap. ii. p. 495.

b Dugdale, p 89.

c. Warwick, p. 203.

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their anceſtors, and now better ſecured by ſuch important conceſſions, rather than by engaging in a giddy ſearch after more independence, run a manifeſt riſk either of incurring a cruel ſubjection, or abandoning all law and order. CHAP. LV. 1642.

Charles, finding himſelf ſupported by a conſiderable party in the kingdom, began to ſpeak in a firmer tone, and to retort the accuſations of the commons with a vigour which he had not before exerted. Notwithſtanding their remonſtrances, and menaces, and inſults, he ſtill perſiſted in refuſing their bill; and they proceeded to frame an ordinance, in which, by the authority of the two houſes, without the king's conſent, they named lieutenants for all the counties, and conferred on them the command of the whole military force, of all the guards, garriſons, and forts of the kingdom. He iſſued proclamations againſt this manifeſt uſurpation; and, as he profeſſed a reſolution ſtrictly to obſerve the law himſelf, ſo was he determined, he ſaid, to oblige every other perſon to pay it a like obedience. The name of the king was ſo eſſential to all laws, and ſo familiar in all acts of executive authority, that the parliament was afraid, had they totally omitted it, that the innovation would be too ſenſible to the people. In all commands, therefore, which they conferred, they bound the perſons to obey the orders of his majeſty, ſignified by both houſes of parliament. And, inventing a diſtinction, hitherto unheard of, between the office and the perſon of the king, thoſe very forces which they employed againſt him, they levied in his name, and by his authority [d].

It is remarkable how much the topics of argument were now reverſed between the parties. The king, while he acknowledged his former error of employing a plea of neceſſity, in order to infringe the laws and conſtitution, warned the parliament not to

[d] Ruſhworth, vol. v. p. 526.

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imitate an example on which they threw ſuch violent blame; and the parliament, while they cloathed their perſonal fears or ambition under the appearance of national and imminent danger, made unknowingly an apology for the moſt exceptionable part of the king's conduct. That the liberties of the people were no longer expoſed to any peril from royal authority, ſo narrowly circumſcribed, ſo exactly defined, ſo much unſupported by revenue and by military power, might be maintained upon very plauſible topics: But that the danger, allowing it to have any exiſtence, was not of that kind, great, urgent, inevitable, which diſſolves all law, and levels all limitations, ſeems apparent from the ſimpleſt view of theſe tranſactions. So obvious, indeed, was the king's preſent inability to invade the conſtitution, that the fears and jealouſies which operated on the people, and puſhed them ſo furiouſly to arms, were undoubtedly not of a civil, but of a religious nature. The diſtempered imaginations of men were agitated with a continual dread of Popery, with a horror againſt Prelacy, with an antipathy to ceremonies and the liturgy, and with a violent affection for whatever was moſt oppoſite to theſe objects of averſion. The fanatical ſpirit let looſe, confounded all regard to eaſe, ſafety, intereſt; and diſſolved every moral and civil obligation [e].

Each party was now willing to throw on its antagoniſt the odium of commencing a civil war; but both of them prepared for an event which they deemed inevitable. To gain the people's favour and good opinion, was the chief point on both ſides.—Never was there a people leſs corrupted by vice, and more actuated by principle, than the Engliſh during that period: Never were there individuals who poſſeſſed more capacity, more courage, more public ſpirit, more diſintereſted zeal. The infuſion of one

e See note [DD] at the end of the volume.

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ingredient in too large a proportion, had corrupted all theſe noble principles, and converted them into the moſt virulent poiſon. To determine his choice in the approaching conteſts, every man hearkened with avidity to the reaſons propoſed on both ſides. The war of the pen preceded that of the ſword, and daily ſharpened the humours of the oppoſite parties. Beſides private adventurers without number, the king and parliament themſelves carried on the controverſy, by meſſages, remonſtrances, and declarations; where the nation was really the party to whom all arguments were addreſſed. Charles had here a double advantage. Not only his cauſe was more favourable, as ſupporting the ancient government in church and ſtate againſt the moſt illegal pretenſions: it was alſo defended with more art and eloquence. Lord Falkland had accepted the office of ſecretary; a man who adorned the pureſt virtue with the richeſt gifts of nature, and the moſt valuable acquiſitions of learning. By him, aſſiſted by the king himſelf, were the memorials of the royal party chiefly compoſed. So ſenſible was Charles of his ſuperiority in this particular, that he took care to diſperſe everywhere the papers of the parliament together with his own, that the people might be the more enabled, by compariſon, to form a judgment between them: The parliament, while they diſtributed copies of their own, were anxious to ſuppreſs all the king's compoſitions [f].

To clear up the principles of the conſtitution, to mark the boundaries of the powers entruſted by law to the ſeveral members, to ſhow what great improvements the whole political ſyſtem had received from the king's late conceſſions, to demonſtrate his entire confidence in his people, and his reliance on their affections, to point out the ungrateful returns which

[f] Ruſhworth, vol. v. p. 751.

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had been made him, and the enormous encroachments, insults, and indignities, to which he had been exposed; these were the topics which, with so much justness of reasoning and propriety of expression, were insisted on in the king's declarations and remonstrances [g].

Though these writings were of consequence, and tended much to reconcile the nation to Charles, it was evident, that they would not be decisive, and that keener weapons must determine the controversy. To the ordinance of the parliament concerning the militia, the king opposed his commissions of array.—The counties obeyed the one or the other, according as they stood affected. And in many counties where the people were divided, mobbish combats and skirmishes ensued [h]. The parliament, on this occasion, went so far as to vote, "That when the lords "and commons in parliament, which is the supreme "court of judicature, shall declare what the law of "the land is, to have this not only questioned, but "contradicted, is a high breach of their privileges [i]." This was a plain assuming of the whole legislative authority, and exerting it in the most material article, the government of the militia. Upon the same principles, they pretended, by a verbal criticism on the tense of a Latin verb, to ravish from the king his negative voice in the legislature [k].

The magazine of Hull contained the arms of all the forces levied against the Scots; and Sir John Hotham, the governor, though he had accepted of a commission from the parliament, was not thought to

g See note [EE] at the end of the volume.

h May, book ii. p. 99.

i Rush. vol. v. p. 534.

k The king, by his coronation oath, promises that he would maintain the laws and customs which the people had chosen, *quas vulgus elegerit*: The parliament pretended, that *elegerit* meant *shall chuse*; and, consequently, that the king had no right to refuse any bills which should be presented him. See Rushworth, vol. v. p. 580.

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be much disaffected to the church and monarchy. Charles, therefore, entertained hopes, that if he presented himself at Hull before the commencement of hostilities, Hotham, overawed by his presence, would admit him with his retinue; after which he might easily render himself master of the place. But the governor was on his guard. He shut the gates, and refused to receive the king, who desired leave to enter with twenty persons only. Charles immediately proclaimed him traitor, and complained to the parliament of his disobedience. The parliament avowed and justified the action [l].

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Preparations.

The county of York levied a guard for the king of 600 men: For the kings of England had hitherto lived among their subjects like fathers among their children, and had derived all their security from the dignity of their character, and from the protection of the laws. The two houses, though they had already levied a guard for themselves; had attempted to seize all the military power, all the navy, and all the forts of the kingdom; and had openly employed their authority in every kind of warlike preparations: Yet immediately voted, "That the king, seduced by wicked counsel, intended to make war "against his parliament, who, in all their consultations and actions, had proposed no other end but "the care of his kingdoms, and the performance "of all duty and loyalty to his person; that this attempt was a breach of the trust reposed in him by "his people, contrary to his oath, and tending to a "dissolution of the government; and that whoever "should assist him in such a war were traitors by "the fundamental laws of the kingdom [m].

The armies, which had been every where raised on pretence of the service in Ireland, were henceforth

[l] Whitlocke, p. 55. Rushworth, vol. v. p. 565, &c. May, book ii. p. 51.

[m] Whitlocke, p. 57. Rushworth, vol. v. p. 717. Dugdale, p. 93. May, book ii. p. 54.

more

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more openly inliſted by the parliament for their own purpoſes, and the command of them was given to the earl of Eſſex. In London, no leſs than four thouſand men inliſted in one day[n]. And the parliament voted a declaration, which they required every member to ſubſcribe, that they would live and die with their general.

June 10. They iſſued orders for bringing in loans of money and plate, in order to maintain forces which ſhould defend the king and both houſes of parliament: For this ſtile they ſtill preſerved. Within ten days, vaſt quantities of plate were brought to their treaſurers. Hardly were there men enow to receive it, or room ſufficient to ſtow it: And many with regret were obliged to carry back their offerings, and wait till the treaſurers could find leiſure to receive them. Such zeal animated the pious partizans of the parliament, eſpecially in the city: The women gave up all the plate and ornaments of their houſes, and even their ſilver thimbles and bodkins, in order to ſupport the *good cauſe* againſt the malignants[o].

Meanwhile, the ſplendour of the nobility, with which the king was environed, much eclipſed the appearance at Weſtminſter. Lord-keeper Littleton, after ſending the great ſeal before him, had fled to York. Above forty peers of the firſt rank attended the king[p]; whilſt the houſe of lords ſeldom conſiſted of more than ſixteen members. Near the moiety too of the lower houſe abſented themſelves from counſels which they deemed ſo full of danger. The commons ſent up an impeachment againſt nine peers, for deſerting their duty in parliament. Their own members alſo, who ſhould return to them, they voted not to admit, till ſatisfied concerning the reaſon of their abſence.

n Vicar's God in the Mount.
o Whitlocke, p. 58. Dugdale, p. 96. 99.
p May, book ii. p. 59.

Charles

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Charles made a declaration to the peers who attended him, that he expected from them no obedience to any commands which were not warranted by the laws of the land. The peers answered this declaration by a protest, in which they declared their resolution to obey no commands but such as were warranted by that authority [q]. By these deliberate engagements, so worthy of an English prince and English nobility, they meant to confound the furious and tumultuary resolutions taken by the parliament.

The queen, disposing of the crown-jewels in Holland, had been enabled to purchase a cargo of arms and ammunition. Part of these, after escaping many perils, arrived safely to the king. His preparations were not near so forward as those of the parliament. In order to remove all jealousy, he had resolved, that their usurpations and illegal pretensions should be apparent to the whole world, and thought, that to recover the confidence of the people, was a point much more material to his interest, than the collecting of any magazines, stores, or armies, which might breed apprehensions of violent or illegal counsels. But the urgent necessity of his situation no longer admitted of delay. He now prepared himself for defence. With a spirit, activity, and address, which neither the one party apprehended, nor the other expected, he employed all the advantages which remained to him, and roused up his adherents to arms. The resources of this prince's genius encreased in proportion to his difficulties; and he never appeared greater than when plunged into the deepest perils and distresses. From the mixed character indeed of Charles, arose in part the misfortunes in which England was at this time involved. His political errors, or rather weaknesses, had raised him inveterate enemies: His emi-

[q] Rushworth, vol. v. p. 626, 627. May, book ii. p. 86. Warwick, p. 210.

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nent moral virtues had procured him zealous partizans: And between the hatred of the one and the affections of the other, was the nation agitated with the most violent convulsions.

That the king might despair of all composition, the parliament sent him the conditions on which they were willing to come to an agreement. Their demands, contained in nineteen propositions, amounted to a total abolition of monarchical authority. They required, that no man should remain in the the council who was not agreeable to parliament; that no deed of the king's should have validity, unless it passed the council, and was attested under their hand; that all the officers of state and principal judges should be chosen with consent of parliament, and enjoy their offices for life; that none of the royal family should marry without consent of parliament or council; that the laws should be executed against Catholics; that the votes of Popish lords should be excluded; that the reformation of the liturgy and church government should have place, according to advice of parliament; that the ordinance with regard to the militia be submitted to; that the justice of parliament pass upon all delinquents; that a general pardon be granted, with such exceptions as should be advised by parliament; that the forts and castles be disposed of by consent of parliament; and that no peer be made but with consent of both houses[r].

"Should I grant these demands," said the king, in reply, "I may be waited on bareheaded; I may "have my hand kissed; the title of Majesty may be "continued to me; and *The king's authority, signified by both houses*, may still be the stile of your com- "mands: I may have swords and maces carried be- "fore me, and please myself with the sight of a "crown and sceptre (though even these twigs would

r Rushworth, vol. v. p. 722. May, book ii. p. 54.

not

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"not long flouriſh, when the ſtock upon which "they grew was dead): But as to true and real "power, I ſhould remain but the outſide, but the "picture, but the ſign of a king[a]." War on any terms was eſteemed, by the king and all his counſellors, preferable to ſo ignominious a peace. Charles accordingly reſolved to ſupport his authority by arms. "His towns," he ſaid, "were taken from him, his "ſhips, his arms, his money; but there ſtill re-"mained to him a good cauſe, and the hearts of "his loyal ſubjects, which, with God's bleſſing, "he doubted not would recover all the reſt." Collecting therefore ſome forces, he advanced ſouthwards; and at Nottingham he erected his royal 25th Aug. ſtandard, the open ſignal of diſcord and civil war throughout the kingdom.

[a] Ruſhworth, vol. v. p. 728. Warwick, p. 189.

CHAP.

CHAP. LVI.

Commencement of the civil war——State of parties——Battle of Edgehill——Negociation at Oxford——Victories of the royaliſts in the weſt——Battle of Stratton——Of Lanſdown——Of Roundway down——Death of Hambden——Briſtol taken——Siege of Glouceſter——Battle of Newberry——Actions in the north of England——Solemn league and covenant——Arming of the Scots——State of Ireland.

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1642. Commencement of the civil war.

WHEN two names, ſo ſacred in the Engliſh conſtitution as thoſe of KING and PARLIAMENT, were placed in oppoſition, no wonder the people were divided in their choice, and were agitated with the moſt violent animoſities and factions.

The nobility, and more conſiderable gentry, dreading a total confuſion of rank from the fury of the populace, inliſted themſelves in defence of the monarch, from whom they received, and to whom they communicated their luſtre. Animated with the ſpirit of loyalty derived from their anceſtors, they adhered to the ancient principles of the conſtitution, and valued themſelves on exerting the maxims, as well as inheriting the poſſeſſions, of the old Engliſh families. And while they paſſed their time moſtly at their country-ſeats, they were ſurpriſed to hear of opinions prevailing, with which they had ever been unacquainted, and which implied, not a limitation, but an abolition almoſt total, of monarchical authority.

State of parties.

The city of London, on the other hand, and moſt of the great corporations, took part with the parliament,

ment, and adopted with zeal thoſe democratical principles on which the pretenſions of that aſſembly were founded. The government of cities, which even under abſolute monarchies, is commonly republican, inclined them to this party: The ſmall hereditary influence which can be retained over the induſtrious inhabitants of towns; the natural independence of citizens; and the force of popular currents over thoſe more numerous aſſociations of mankind; all theſe cauſes gave, there, authority to the new principles propagated throughout the nation. Many families too, which had lately been enriched by commerce, ſaw with indignation, that, notwithſtanding their opulence, they could not raiſe themſelves to a level with the ancient gentry: They therefore adhered to a power by whoſe ſucceſs they hoped to acquire rank and conſideration[t]. And the new ſplendor and glory of the Dutch commonwealth, where liberty ſo happily ſupported induſtry, made the commercial part of the nation deſire to ſee a like form of government eſtabliſhed in England.

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The genius of the two religions, ſo cloſely at this time interwoven with politics, correſponded exactly to theſe diviſions. The Preſbyterian religion was new, republican, and ſuited to the genius of the populace: The other had an air of greater ſhow and ornament, was eſtabliſhed on ancient authority, and bore an affinity to the kingly and ariſtocratical parts of the conſtitution. The devotees of Preſbytery became of courſe zealous partizans of the parliament: The friends of the Epiſcopal church valued themſelves on defending the rights of monarchy.

Some men alſo there were of liberal education, who, being either careleſs or ignorant of thoſe diſputes, bandied about by the clergy of both ſides, aſpired to nothing but an eaſy enjoyment of life, a-

t Clarendon, vol. iii. p. 4.

midſt

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midſt the jovial entertainment and ſocial intercourſe of their companions. All theſe flocked to the king's ſtandard, where they breathed a freer air, and were exempted from that rigid preciſeneſs and melancholy auſterity which reigned among the parliamentary party.

Never was a quarrel more unequal than ſeemed at firſt that between the contending parties: Almoſt every advantage lay againſt the royal cauſe. The king's revenue had been ſeized, from the beginning, by the parliament, who iſſued out to him, from time to time, ſmall ſums for his preſent ſubſiſtence; and as ſoon as he withdrew to York, they totally ſtopped all payments. London and all the ſea-ports, except Newcaſtle, being in their hands, the cuſtoms yielded them a certain and conſiderable ſupply of money; and all contributions, loans, and impoſitions, were more eaſily raiſed from the cities, which poſſeſſed the ready money, and where men lived under their inſpection, than they could be levied by the king in thoſe open countries, which, after ſome time, declared for him.

The ſeamen naturally followed the diſpoſition of the ſea-ports, to which they belonged: And the earl of Northumberland, lord admiral, having embraced the party of the parliament, had appointed, at their deſire, the earl of Warwick to be his lieutenant, who at once eſtabliſhed his authority in the fleet, and kept the entire dominion of the ſea in the hands of that aſſembly.

All the magazines of arms and ammunition were from the firſt ſeized by the parliament; and their fleet intercepted the greater part of thoſe which were ſent by the queen from Holland. The king was obliged, in order to arm his followers, to borrow the weapons of the train-bands, under promiſe of reſtoring them as ſoon as peace ſhould be ſettled in the kingdom.

The

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The veneration for parliaments was at this time extreme throughout the nation[u]. The cuſtom of reviling thoſe aſſemblies for corruption, as it had no pretence, ſo was it unknown, during all former ages. Few or no inſtances of their incroaching ambition or ſelfiſh claims had hitherto been obſerved. Men conſidered the houſe of commons in no other light than as the repreſentatives of the nation, whoſe intereſt was the ſame with that of the public, who were the eternal guardians of law and liberty, and whom no motive, but the neceſſary defence of the people, could ever engage in an oppoſition to the crown. The torrent, therefore, of general affection ran to the parliament. What is the great advantage of popularity, the privilege of affixing epithets, fell of courſe to that party. The king's adherents were the *Wicked* and the *Malignant*: Their adverſaries were the *Godly* and the *Well-affected*. And as the force of the cities was more united than that of the country, and at once gave ſhelter and protection to the parliamentary party, who could eaſily ſuppreſs the royaliſts in their neighbourhood, almoſt the whole kingdom, at the commencement of the war, ſeemed to be in the hands of the parliament[w].

What alone gave the king ſome compenſation for all the advantages poſſeſſed by his adverſaries, was the nature and qualities of his adherents. More bravery and activity were hoped for, from the generous ſpirit of the nobles and gentry, than from the baſe diſpoſition of the multitude. And as the men of eſtates, at their own expence, levied and armed their tenants, beſides an attachment to their maſters, greater force and courage were to be expected in theſe ruſtic troops, than in the vicious and enervated populace of cities.

The neighbouring ſtates of Europe, being engaged in violent wars, little intereſted themſelves in

[u] Walker, p. 336. [w] Warwick, p. 318.

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theſe civil commotions; and this iſland enjoyed the ſingular advantage (for ſuch it ſurely was) of fighting out its own quarrels without the interpoſition of foreigners. France, from policy, had fomented the firſt diſorders in Scotland; had ſent over arms to the Iriſh rebels, and continued to give countenance to the Engliſh parliament. Spain, from bigotry, furniſhed the Iriſh with ſome ſupplies of money and arms. The prince of Orange, cloſely allied to the crown, encouraged Engliſh officers, who ſerved in the Low Countries, to enliſt in the king's army: The Scottiſh officers, who had been formed in Germany, and in the late commotions, chiefly took part with the parliament.

The contempt entertained by the parliament for the king's party was ſo great, that it was the chief cauſe of puſhing matters to ſuch extremities againſt him; and many believed that he never would attempt reſiſtance, but muſt ſoon yield to the pretenſions, however enormous, of the two houſes. Even after his ſtandard was erected, men could not be brought to apprehend the danger of a civil war; nor was it imagined that he would have the imprudence to enrage his implacable enemies, and render his own condition more deſperate, by oppoſing a force which was ſo much ſuperior. The low condition in which he appeared at Nottingham confirmed all theſe hopes. His artillery, though far from numerous, had been left at York, for want of horſes to tranſport it. Beſides the trained bands of the county, raiſed by Sir John Digby, the ſheriff, he had not gotten together above three hundred infantry. His cavalry, in which conſiſted his chief ſtrength, exceeded not eight hundred, and were very ill provided with arms. The forces of the parliament lay at Northampton, within a few days march of him; and conſiſted of above ſix thouſand men, well armed and well appointed. Had theſe troops

advanced

advanced upon him, they muſt ſoon have diſſipated the ſmall force which he had aſſembled. By purſuing him in his retreat, they had ſo diſcredited his cauſe, and diſcouraged his adherents, as to have for ever prevented his collecting an army able to make head againſt them. But the earl of Eſſex, the parliamentary general, had not yet received any orders from his maſters [x]. What rendered them ſo backward, after ſuch precipitate ſteps as they had formerly taken, is not eaſily explained. It is probable, that in the extreme diſtreſs of his party conſiſted the preſent ſafety of the king. The parliament hoped, that the royaliſts, ſenſible of their feeble condition, and convinced of their ſlender reſources, would diſperſe of themſelves, and leave their adverſaries a victory, ſo much the more complete and ſecure, as it would be gained without the appearance of force, and without bloodſhed. Perhaps too, when it became neceſſary to make the concluding ſtep, and offer barefaced violence to their ſovereign, their ſcruples and apprehenſions, though not ſufficient to overcome their reſolutions, were able to retard the execution of them [y].

Sir Jacob Aſtley, whom the king had appointed major-general of his intended army, told him, that he could not give him aſſurance but he might be taken out of his bed, if the rebels ſhould make a briſk attempt to that purpoſe. All the king's attendants were full of well-grounded apprehenſions. Some of the lords having deſired that a meſſage might be ſent to the parliament, with overtures to a treaty, Charles, who well knew that an accommodation, in his preſent condition, meant nothing but a total ſubmiſſion, haſtily broke up the council, leſt this propoſal ſhould be farther inſiſted on. But next day, the earl of Southampton, whom no one could ſuſpect of baſe or timid ſentiments, having offered the ſame advice in

x Clarendon, vol. iii. p. 1, 2.

y Idem, Ibid. p. 18.

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council, it was hearkened to with more coolness and deliberation. He urged, that though such a step would probably increase the insolence of the parliament, this was so far from being an objection, that such dispositions must necessarily turn to the advantage of the royal cause; that if they refused to treat, which was more probable, the very sound of peace was so popular, that nothing could more disgust the nation than such haughty severity; that if they admitted of a treaty, their proposals, considering their present situation, would be so exorbitant as to open the eyes of their most partial adherents, and turn the general favour to the king's party; and that at worst, time might be gained by this expedient, and a delay of the imminent danger with which the king was at present threatened [a].

Charles, on assembling the council, had declared against all advances towards an accommodation; and had said, that, having now nothing left him but his honour, this last possession he was resolved steadily to preserve, and rather to perish than yield any farther to the pretensions of his enemies [a]. But, by the unanimous desire of the counsellors, he was prevailed on to embrace Southampton's advice. That nobleman therefore, with Sir John Colepeper and Sir William Uvedale, was dispatched to London with offers of a treaty [b]. The manner in which they were received gave little hopes of success. Southampton was not allowed by the peers to take his seat, but was ordered to deliver his message to the usher, and immediately to depart the city; the commons showed little better disposition towards Colepeper and Uvedale [c]. Both houses replied, that they could admit of no treaty with the king till he took down his standard, and recalled his proclamations, in which

a Clarendon, vol. iii. p. 7.
a Hume, ibid.
b Rush. vol. v. p. 784.
c Clarendon, vol. iii. p. 10.

the

the parliament ſuppoſed themſelves to be declared traitors. The king, by a ſecond meſſage, denied any ſuch intention againſt the two houſes, but offered to recal theſe proclamations, provided the parliament agreed to recal theirs, in which his adherents were declared traitors. They deſired him, in return, to diſmiſs his forces, to reſide with his parliament, and to give up delinquents to their juſtice; that is, abandon himſelf and his friends to the mercy of his enemies [d]. Both parties flattered themſelves, that, by theſe meſſages and replies, they had gained the ends which they propoſed [e]. The king believed that the people were made ſufficiently ſenſible of the parliament's inſolence and averſion to peace. The parliament intended, by this vigour in their reſolutions, to ſupport the vigour of their military operations.

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The courage of the parliament was increaſed, beſides their great ſuperiority of force, by two recent events, which had happened in their favour. Goring was governor of Portſmouth, the beſt fortified town in the kingdom, and, by its ſituation, of great importance. This man ſeemed to have rendered himſelf an implacable enemy to the king, by betraying, probably magnifying, the ſecret cabals of the army; and the parliament thought that his fidelity to them might, on that account, be entirely depended on. But the ſame levity of mind ſtill attended him, and the ſame diſregard to engagements and profeſſions. He took underhand his meaſures with the court, and declared againſt the parliament. But, though he had been ſufficiently ſupplied with money, and long before knew his danger, ſo ſmall was his foreſight, that he had left the place entirely deſtitute of proviſions, and, in a few days, he was obliged to ſurrender to the parliamentary forces [f].

d Ruſhworth, vol. v. p. 786. Dugdale, p. 102.

e Whitlocke, p. 59.

f Ruſhworth, vol. v. p. 683. Whitlocke, p. 60. Clarendon, vol. iii. p. 19.

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The marquis of Hertford was a nobleman of the greateſt quality and character in the kingdom, and, equally with the king, deſcended, by a female, from Henry VII. During the reign of James, he had attempted, without having obtained the conſent of that monarch, to marry Arabella Stuart, a lady nearly related to the crown; and, upon diſcovery of his intentions, had been obliged, for ſome time, to fly the kingdom. Ever after, he was looked on with an evil eye at court, from which in a great meaſure he withdrew, and living in an independent manner, he addicted himſelf entirely to literary occupations and amuſements. In proportion as the king declined in popularity, Hertford's character flouriſhed with the people; and, when this parliament aſſembled, no nobleman poſſeſſed more general favour and authority. By his ſagacity, he ſoon perceived, that the commons, not content with correcting the abuſes of government, were carried, by the natural current of power and popularity, into the oppoſite extreme, and were committing violations, no leſs dangerous than the former, upon the Engliſh conſtitution. Immediately he devoted himſelf to the ſupport of the king's falling authority, and was prevailed with to be governor to the young prince, and reſide at court, to which, in the eyes of all men, he gave, by his preſence, a new luſtre and authority. So high was his character for mildneſs and humanity, that he ſtill preſerved, by means of theſe popular virtues, the public favour; and every one was ſenſible of the true motive of his change. Notwithſtanding his habits of eaſe and ſtudy, he now exerted himſelf in raiſing an army for the king; and being named general of the weſtern counties, where his intereſt chiefly lay, he began to aſſemble forces in Somerſetſhire. By the aſſiſtance of Lord Seymour, Lord Paulet, John Digby ſon of the earl of Briſtol, Sir Francis Hawley, and others, he had drawn together ſome appearance

appearance of an army; when the parliament, apprehensive of the danger, sent the earl of Bedford with a considerable force against him. On his approach, Hertford was obliged to retire into Sherborne castle; and finding that place untenable, he himself passed over into Wales, leaving Sir Ralph Hopton, Sir John Berkeley, Digby, and other officers, with their horse, consisting of about a hundred and twenty, to march into Cornwall, in hopes of finding that county better prepared for their reception [g]. CHAP. LVI. 1642.

All the dispersed bodies of the parliamentary army were now ordered to march to Northampton; and the earl of Essex, who had joined them, found the whole amount to 15,000 men [h]. The king, though his camp had been gradually reinforced from all quarters, was sensible that he had no army which could cope with so formidable a force; and he thought it prudent, by slow marches, to retire to Derby, thence to Shrewsbury, in order to countenance the levies which his friends were making in those parts. At Wellington, a day's march from Shrewsbury, he made a rendezvous of all his forces, and caused his military orders to be read at the head of every regiment. That he might bind himself by reciprocal ties, he solemnly made the following declaration before his whole army:

"I do promise, in the presence of Almighty God, "and as I hope for his blessing and protection, that "I will, to the utmost of my power, defend and "maintain the true reformed Protestant religion, esta-"blished in the church of England, and by the grace "of God, in the same will live and die.

"I desire that the laws may ever be the measure of "my government, and that the liberty and property "of the subject may be preserved by them with the

g Clarendon, vol. vi. p. 2, 3, &c. h Whitlocke, p. 60.

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"same care as my own just rights. And if it please "God, by his blessing on this army, raised for my "necessary defence, to preserve me from the present "rebellion, I do solemnly and faithfully promise, in "the sight of God, to maintain the just privileges "and freedom of parliament, and to govern, to the "utmost of my power, by the known statutes and "customs of the kingdom, and particularly to ob-"serve inviolably the laws to which I have given "my consent this parliament. Meanwhile, if this "emergence, and the great necessity to which I am "driven, beget any violation of law, I hope it shall "be imputed by God and man to the authors of this "war; not to me, who have so earnesty laboured "to preserve the peace of the kingdom.

"When I willingly fail in these particulars, I shall "expect no aid or relief from man, nor any protec-"tion from above: But in this resolution I hope for "the cheerful assistance of all good men, and am "confident of the blessing of heaven [i]."

Though the concurrence of the church undoubtedly encreased the king's adherents, it may safely be affirmed, that the high monarchical doctrines, so much inculcated by the clergy, had never done him any real service. The bulk of that generous train of nobility and gentry who now attended the king in his distresses, breathed the spirit of liberty, as well as of loyalty: And in the hopes alone of his submitting to a legal and limited government, were they willing, in his defence, to sacrifice their lives and fortunes.

While the king's army lay at Shrewsbury, and he was employing himself in collecting money, which he received, though in no great quantities, by voluntary contributions, and by the plate of the universities, which was sent him, the news arrived of an action,

i Clarendon, vol. iii. p. 16. 17. Dugdale, p. 104.

the

the first which had happened in these wars, and where he was successful. CHAP. LVI. 1642.

On the appearance of commotions in England, the Princes Rupert and Maurice, sons of the unfortunate Palatine, had offered their service to the king; and the former, at that time, commanded a body of horse, which had been sent to Worcester, in order to watch the motions of Essex, who was marching towards that city. No sooner had the prince arrived, than he saw some cavalry of the enemy approaching the gates. Without delay, he briskly attacked them, as they were defiling from a lane, and forming themselves. Colonel Sandys, who led them, and who fought with valour, being mortally wounded, fell from his horse. The whole party was routed, and was pursued above a mile. The prince hearing of Essex's approach, returned to the main body[k]. This rencounter, though in itself of small importance, mightily raised the reputation of the royalists, and acquired to Prince Rupert the character of promptitude and courage; qualities which he eminently displayed during the whole course of the war.

The king, on mustering his army, found it amount to 10,000 men. The earl of Lindesey, who in his youth had sought experience of military service in the Low Countries[l], was general: Prince Rupert commanded the horse: Sir Jacob Astley, the foot: Sir Arthur Aston, the dragoons: Sir John Heydon, the artillery. Lord Bernard Stuart was at the head of a troop of guards. The estates and revenue of this single troop, according to Lord Clarendon's computation, were at least equal to those of all the members, who, at the commencement of war, voted in both houses. Their servants, under the command

k Clarendon, vol. iii. p. 25. May, book iii. p. 10.
l He was then Lord Willoughby.

of

CHAP. LVI.

of Sir William Killigrew, made another troop, and always marched with their maſters [m].

1642. 12th Oct.

With this army the king left Shrewſbury, reſolving to give battle as ſoon as poſſible to the army of the parliament, which, he heard, was continually augmenting by ſupplies from London. In order to bring on an action, he directed his march towards the capital, which, he knew, the enemy would not abandon to him. Eſſex had now received his inſtructions. The import of them was, to preſent a moſt humble petition to the king, and to reſcue him and the royal family from thoſe deſperate malignants who had ſeized their perſons [n]. Two days after the departure of the royaliſts from Shrewſbury, he left Worceſter. Though it be commonly eaſy in civil wars to get intelligence, the armies were within ſix miles of each other, ere either of the generals was acquainted with the approach of his enemy. Shrewſbury and Worceſter, the places from which they ſet out, are not above twenty miles diſtant, yet had the two armies marched ten days in this mutual ignorance. So much had military ſkill, during a long peace, decayed in England [o].

Battle of Edge-hill.

23d of Oct.

The royal army lay near Banbury: That of the parliament at Keinton, in the county of Warwick. Prince Rupert ſent intelligence of the enemy's approach. Though the day was far advanced, the king reſolved upon the attack: Eſſex drew up his men to receive him. Sir Faithful Forteſcue, who had levied a troop for the Iriſh wars, had been obliged to ſerve in the parliamentary army, and was now poſted on the left wing, commanded by Ramſay, a Scotchman. No ſooner did the king's army approach, than Forteſcue, ordering his troop to diſcharge their piſtols in the ground, put himſelf under

m Clarendon, vol. iii. p. 41. Warwick, p. 231.
n Whitlocke, p. 59. Clarendon, vol. iii. p. 27, 28, &c.
o Clarendon, vol. iii. p. 44.

the

the command of prince Rupert. Partly from this incident partly from the furious ſhock made upon them by the prince, that whole wing of cavalry immediately fled, and were purſued for two miles. The right wing of the parliament's army had no better ſucceſs. Chaſed from their ground by Wilmot and Sir Arthur Aſton, they alſo took to flight. The king's body of reſerve, commanded by Sir John Biron, judging, like raw ſoldiers, that all was over, and impatient to have ſome ſhare in the action, heedleſsly followed the chace, which their left wing had precipitately led them. Sir William Balfour, who commanded Eſſex's reſerve, perceived the advantage: He wheeled about upon the king's infantry, now quite unfurniſhed of horſe; and he made great havock among them. Lindeſey, the general, was mortally wounded, and taken priſoner. His ſon, endeavouring his reſcue, fell likewiſe into the enemy's hands. Sir Edmund Verney, who carried the king's ſtandard, was killed, and the ſtandard taken; but it was afterwards recovered. In this ſituation, prince Rupert, on his return, found affairs. Every thing bore the appearance of a defeat, inſtead of a victory, with which he had haſtily flattered himſelf. Some adviſed the king to leave the field: But that prince rejected ſuch puſillanimous counſel. The two armies faced each other for ſome time, and neither of them retained courage ſufficient for a new attack. All night they lay under arms; and next morning they found themſelves in ſight of each other. General, as well as ſoldier, on both ſides ſeemed averſe to renew the battle. Eſſex firſt drew off, and retired to Warwick. The king returned to his former quarters. Five thouſand men are ſaid to have been found dead on the field of battle; and the loſs of the two armies, as far as we can judge by the oppoſite accounts, was nearly equal. Such was the event of this firſt battle, fought at Keinton, or Edge-hill [p].

CHAP. LIV. 1642.

[p] Clarendon, vol. iii. p. 44, &c. May, book iii. p. 16, &c.

Some

CHAP. LVI. 1642.

Some of Eſſex's horſe, who had been driven off the field in the beginning of the action, flying to a great diſtance, carried news of a total defeat, and ſtruck a mighty terror into the city and parliament. After a few days, a more juſt account arrived; and then the parliament pretended to a complete victory [q]. The king alſo, on his part, was not wanting to diſplay his advantages; though, except the taking of Banbury, a few days after, he had few marks of victory to boaſt of. He continued his march, and took poſſeſſion of Oxford, the only town in his dominions which was altogether at his devotion.

After the royal army was recruited and refreſhed; as the weather ſtill continued favourable, it was again put in motion. A party of horſe approached to Reading, of which Martin was appointed governor by the parliament. Both governor and garriſon were ſeized with a panic, and fled with precipitation to London. The king, hoping that every thing would yield before him, advanced with his whole army to Reading. The parliament, who, inſtead of their fond expectations, that Charles would never be able to collect an army, had now the proſpect of a civil war, bloody, and of uncertain event, were farther alarmed at the near approach of the royal army, while their own forces lay at a diſtance. They voted an addreſs for a treaty. The king's nearer approach to Colebroke quickened their advances for peace. Northumberland and Pembroke, with three commoners, preſented the addreſs of both houſes; in which they beſought his Majeſty to appoint ſome convenient place where he might reſide, till committees could attend him with propoſals. The king named Windſor, and deſired that their garriſon might be removed, and his own troops admitted into that caſtle [r].

q Whitlocke, p. 61. Clarendon, vol. iii. p. 59.

r Whitlocke p. 62. Clarendon, vol. iii. p. 73

Meanwhile,

CHAP. LVI.

1642. Nov. 30.

Meanwhile, Eſſex, advancing by haſty marches, had arrived at London. But neither the preſence of his army, nor the precarious hopes of a treaty, retarded the king's approaches. Charles attacked, at Brentford, two regiments quartered there, and, after a ſharp action, beat them from that village, and took about 500 priſoners. The parliament had ſent orders to forbear all hoſtilities, and had expected the ſame from the king; though no ſtipulations to that purpoſe had been mentioned by their commiſſioners. Loud complaints were raiſed againſt this attack, as if it had been the moſt apparent perfidy, and breach of treaty [s]. Inflamed with reſentment, as well as anxious for its own ſafety, the city marched its trained bands in excellent order, and joined the army under Eſſex. The parliamentary army now amounted to above 24,000 men, and was much ſuperior to that of the king [t]. After both armies had faced each other for ſome time, Charles drew off and retired to Reading, thence to Oxford.

While the principal armies on both ſides were kept in inaction by the winter ſeaſon, the king and parliament were employed in real preparations for war, and in ſeeming advances towards peace. By means of contributions or aſſeſſments, levied by the horſe, Charles maintained his cavalry: By loans and voluntary preſents ſent him from all parts of the kingdom, he ſupported his infantry: But the ſupplies were ſtill very unequal to the neceſſities under which he laboured [u]. The parliament had much greater reſources for money; and had, by conſequence, every military preparation in much greater order and abundance. Beſides an impoſition levied in London, amounting to the five-and-twentieth part of every one's ſubſtance, they eſtabliſhed on that city a week-

s Whitlocke, p. 62. Clarendon, vol. iii. p. 75.

t Whitlocke, p. 62.

u Clarendon, vol. iii. p. 87.

CHAP. LVI. 1642.

ly assessment of 10,000 l. and another of 23,518 l. on the rest of the kingdom [w]. And as their authority was at present established in most counties, they levied these taxes with regularity; though they amounted to sums much greater than the nation had formerly paid to the public.

1643. The king and parliament sent reciprocally their demands; and a treaty commenced, but without any cessation of hostilities, as had at first been proposed. The earl of Northumberland, and four members of the lower house, came to Oxford as commissioners [x].

Negociation at Oxford.

In this treaty, the king perpetually insisted on the re-establishment of the crown in its legal powers, and on the restoration of his constitutional prerogative [y]: The parliament still required new concessions, and a farther abridgment of regal authority, as a more effectual remedy to their fears and jealousies. Finding the king supported by more forces, and a greater party than they had ever looked for, they seemingly abated somewhat of those extravagant conditions which they had formerly claimed; but their demands were still too high for an equal treaty.—Besides other articles, to which a complete victory alone could entitle them, they required the king, in express terms, utterly to abolish Episcopacy; a demand, which, before, they had only insinuated: And they required, that all other ecclesiastical controversies should be determined by *their* assembly of divines; that is, in the manner the most repugnant to the inclinations of the king and all his partizans. They insisted, that he should submit to the punishment of his most faithful adherents. And they desired him to acquiesce in their settlement of the militia, and to confer on their adherents the entire power of the

w Clarendon, vol. iii. p. 171.
x Whitlocke, p. 64.
y Rush. vol. vi. p. 202.

sword.

CHAP. LVI. 1643.

sword. In answer to the king's proposal, that his magazines, towns, forts, and ships, should be restored to him, the parliament required, that they should be put into such hands as they could confide in[z]: The nineteen propositions, which they formerly sent to the king, shewed their *inclination* to abolish monarchy: They only asked, at present, the *power* of doing it. And having now, in the eye of the law, been guilty of treason, by levying war against their sovereign; it is evident, that their fears and jealousies must, on that account, have multiplied extremely; and have rendered their personal safety, which they interwove with the safety of the nation, still more incompatible with the authority of the monarch. Though the gentleness and lenity of the king's temper might have ensured them against schemes of future vengeance, they preferred, as is, no doubt, natural, an independent security, accompanied too with sovereign power, to the station of subjects, and that not entirely guarded from all apprehensions of danger[a].

The conferences went no farther than the first demand on each side. The parliament, finding that there was no liklihood of coming to any agreement, suddenly recalled their commissioners.

A military enterprize, which they had concerted early in the spring, was immediately undertaken. Reading, the garrison of the king's which lay nearest to London, was esteemed a place of considerable strength in that age, when the art of attacking towns was not well understood in Europe, and was totally unknown in England. The earl of Essex sat down before this place with an army of 18,000 men; and carried on the siege by regular approaches. Sir

15th April.

z Rushworth, vol. vi. p. 166. Clarendon, vol. iii. p. 119.

a See note [PP] at the end of the volume.

Arthur

CHAP. LVI. 1643.

Arthur Aſton, the governor, being wounded, colonel Fielding ſucceeded to the command. In a little time the town was found to be no longer in a condition of defence; and though the king approached, with an intention of obliging Eſſex to raiſe the ſiege, the diſpoſition of the parliamentary army was ſo ſtrong, as rendered the deſign impracticable. Fielding, therefore, was contented to yield the town, on condition that he ſhould bring off all the garriſon with the honours of war, and deliver up deſerters. This laſt article was thought ſo ignominious and ſo prejudicial to the king's intereſts, that the governor was tried by a council of war, and condemned to loſe his life for conſenting to it. His ſentence was afterwards remitted by the king[b].

27th April.

Eſſex's army had been fully ſupplied with all neceſſaries from London: Even many ſuperfluities and luxuries were ſent them by the care of the zealous citizens: Yet the hardſhips which they ſuffered from the ſiege, during ſo early a ſeaſon, had weakened them to ſuch a degree, that they were no longer fit for any new enterprize. And the two armies, for ſome time, encamped in the neighbourhood of each other, without attempting, on either ſide, any action of moment.

Beſides the military operations between the principal armies, which lay in the centre of England, each county, each town, each family almoſt, was divided with itſelf; and the moſt violent convulſions ſhook the whole kingdom. Throughout the winter, continual efforts had every-where been made by each party to ſurmount its antagoniſt; and the Engliſh, rouzed from the lethargy of peace, with eager, though unſkilful hands, employed againſt their fellow-citizens their long-neglected weapons. The furious zeal for

b Ruſh. vol. vi. p. 265, &c. Clarendon, vol. iii. p. 237, 238, &c.

liberty

liberty and Preſbyterian diſcipline, which had hitherto run uncontrouled throughout the nation, now at laſt excited an equal ardour for monarchy and epiſcopacy; when the intention of aboliſhing theſe ancient modes of government was openly avowed by the parliament. Conventions for neutrality, though, in ſeveral counties they had been entered into, and confirmed by the moſt ſolemn oaths, yet, being voted illegal by the two houſes, were immediately broken[c]; and the fire of diſcord was ſpread into every quarter. The altercation of diſcourſe, the controverſies of the pen, but, above all, the declamations of the pulpit, indiſpoſed the minds of men towards each other, and propagated the blind rage of party[d]. Fierce, however, and enflamed as were the diſpoſitions of the Engliſh, by a war both civil and religious, that great deſtroyer of humanity, all the events of this period are leſs diſtinguiſhed by atrocious deeds either of treachery or cruelty, than were ever any inteſtine diſcords, which had ſo long a continuance. A circumſtance which will be found to reflect great praiſe on the national character of that people, now ſo unhappily rouzed to arms.

CHAP. LVI. 1643.

In the north, Lord Fairfax commanded for the parliament, the earl of Newcaſtle for the king. The latter nobleman began thoſe aſſociations which were afterwards ſo much practiſed in other parts of the kingdom. He united in a league for the king, the counties of Northumberland, Cumberland, Weſtmoreland, and the Biſhopric, and engaged, ſome time after, other counties in the ſame aſſociation. Finding that Fairfax, aſſiſted by Hotham and the garriſon of Hull, was making pregreſs in the ſouthern parts of Yorkſhire, he advanced with a body of four thouſand men, and took poſſeſſion of York. At Tadcaſter, he attacked the forces of the parliament, and

c Clarendon, vol. iii. p. 137. 139.

d Dugdale, p. 95.

CHAP. LVI. 1643.

diſlodged them: But his victory was not deciſive. In other rencounters he obtained ſome inconſiderable advantages. But the chief benefit which reſulted from his enterprizes was the eſtabliſhing of the king's authority in all the northern provinces.

In another part of the kingdom, Lord Broke was killed by a ſhot while he was taking poſſeſſion of Litchfield for the parliament[e]. After a ſhort combat near Stafford, between the earl of Northampton and Sir John Gell, the former, who commanded the king's forces, was killed while he fought with great valour; and his forces, diſcouraged by his death, though they had obtained the advantage in the action, retreated into the town of Stafford[f].

Sir William Waller began to diſtinguiſh himſelf among the generals of the parliament. Active and indefatigable in his operations, rapid and enterprizing, he was fitted by his genius to the nature of the war; which, being managed by raw troops, conducted by unexperienced commanders, afforded ſucceſs to every bold and ſudden undertaking. After taking Winchester and Chicheſter, he advanced towards Gloceſter, which was in a manner blockaded by Lord Herbert, who had levied conſiderable forces in Wales for the royal party[g]. While he attacked the Welſh one one ſide, a ſally from Gloceſter made impreſſion on the other. Herbert was defeated; five hun-

e He had taken poſſeſſion of Litchfield, and was viewing from a window St Chad's cathedral, in which a party of the royaliſts had fortified themſelves. He was cafed in complete armour, but was ſhot through the eye by a random-ball. Lord Broke was a zealous puritan; and had formerly ſaid, that he hoped to ſee with his eyes the ruin of all the cathedrals in England. It was a ſuperſtitious remark of the royaliſts, that he was killed on St Chad's day by a ſhot from St Chad's cathedral, which pierced that very eye by which he hoped to ſee the ruin of all cathedrals. Dugdale, p. 118. Clarendon, &c.

f Whitlocke, p. 66. Ruſh. vol. vi. p. 152. Clarendon, vol. iii. p. 151.

g Ruſh. vol. vi. p. 92. 160.

dred

dred of his men killed on the ſpot; a thouſand taken priſoners; and he himſelf eſcaped with ſome difficulty to Oxford. Hereford, eſteemed a ſtrong town, defended by a conſiderable garriſon, was ſurrendered to Waller, from the cowardice of Colonel Price, the governor. Tewkeſbury underwent the ſame fate. Worceſter refuſed him admittance; and Waller, without placing any garriſons in his new conqueſts, retired to Gloceſter, and he thence joined the army under the earl of Eſſex[h]. CHAP. LVI. 1643.

But the moſt memorable actions of valour, during this winter-ſeaſon, were performed in the weſt. When Sir Ralph Hopton, with his ſmall troop, retired into Cornwall before the earl of Bedford, that nobleman, deſpiſing ſo inconſiderable a force, abandoned the purſuit, and committed the care of ſuppreſſing the royal party to the ſheriffs of the county. But the affections of Cornwall were much inclined to the king's ſervice. While Sir Richard Buller and Sir Alexander Carew lay at Launceſton, and employed themſelves in executing the parliament's ordinance for the militia, a meeting of the county was aſſembled at Truro; and after Hopton produced his commiſſion from the earl of Hertford, the king's general, it was agreed to execute the laws, and to expel theſe invaders of the county. The train-bands were accordingly levied, Launceſton taken, and all Cornwall reduced to peace and to obedience under the king. Victories of the royaliſts in the weſt.

It had been uſual for the royal party, on the commencement of theſe diſorders, to claim, on all occaſions, the ſtrict execution of the laws, which they knew were favourable to them; and the parliament, rather than have recourſe to the plea of neceſſity, and avow the tranſgreſſion of any ſtatute, had alſo

h Ruſh. vol. vi. p. 263.

CHAP. LVI. 1643.

been accuſtomed to warp the laws, and, by forced conſtructions to interpret them in their own favour[i]. But though the king was naturally the gainer by ſuch a method of conducting war, and it was by favour of law that the train bands were raiſed in Cornwall, it appeared that thoſe maxims were now prejudicial to the royal party. Theſe troops could not legally, without their own conſent, be carried out of the county; and conſequently, it was impoſſible to puſh into Devonſhire the advantage which they had obtained. The Corniſh royaliſts, therefore, bethought themſelves of levying a force which might be more ſerviceable. Sir Bevil Granville, the moſt beloved man of that country, Sir Ralph Hopton, Sir Nicholas Slanning, Arundel, and Trevannion, undertook, at their own charges, to raiſe an army for the king; and their great intereſt in Cornwall ſoon enabled them to effect their purpoſe. The parliament, alarmed at this appearance of the royaliſts, gave a commiſſion to Ruthven, a Scotchman, governor of Plymouth, to march with all the forces of Dorſet, Somerſet, and Devon, and make an entire conqueſt of Cornwall. The earl of Stamford followed him, at ſome diſtance, with a conſiderable ſupply. Ruthven having entered Cornwall by bridges thrown over the Tamar, haſtened to an action; leſt Stamford ſhould join him, and obtain the honour of that victory which he looked for with aſſurance. The royaliſts, in like manner, were impatient to bring the affair to a deciſion, before Ruthven's army ſhould receive ſo conſiderable a reinforcement. The battle was fought on Bradoc-down; and the king's forces, though inferior in number, gave a total defeat to their enemies. Ruthven, with a few broken troops, fled to Saltaſh; and when that town was taken, he eſcaped, with ſome difficulty, and almoſt alone, into Plymouth. Stamford retired,

[i] Clarendon, vol. iii. p. 130.

and

and diſtributed his forces into Plymouth and Exeter.

Notwithſtanding theſe advantages, the extreme want both of money and ammunition, under which the Corniſh royaliſts laboured, obliged them to enter into a convention of neutrality with the parliamentary party in Devonſhire; and this neutrality held all the winter ſeaſon. In the ſpring, it was broken by the authority of the two houſes; and war recommenced with great appearance of diſadvantage to the king's party. Stamford, having aſſembled a ſtrong body of near ſeven thouſand men, well ſupplied with money, proviſions, and ammunition, advanced upon the royaliſts, who were not half his number, and were oppreſſed by every kind of neceſſity. Deſpair, joined to the natural gallantry of theſe troops, commanded by the prime gentry of the county, made them reſolve, by one vigorous effort, to overcome all theſe advantages. Stamford being encamped on the top of a high hill near Stratton, they attacked him in four diviſions, at five in the morning, having lain all night under arms. One diviſion was commanded by Lord Mohun and Sir Ralph Hopton, another by Sir Beville Granville and Sir John Berkeley, a third by Slanning and Trevannion, a fourth by Baſſet and Godolphin. In this manner the action began; the king's forces preſſing with vigour thoſe four ways up the hill, and their enemies obſtinately defending themſelves. The fight continued with doubtful ſucceſs, till word was brought to the chief officers of the Corniſh, that their ammunition was ſpent to leſs than four barrels of powder. This defect, which they concealed from the ſoldiers, they reſolved to ſupply by their valour. They agreed to advance without firing till they ſhould reach the top of the hill, and could be on equal ground with the enemy. The courage of the officers was ſo well ſeconded by the ſoldiers, that

Battle of Stratton, May 15th.

CHAP. LVI. 1643.

the royaliſts began on all ſides to gain ground. Major-general Chidley, who commanded the parliamentary army (for Stamford kept at a diſtance) failed not in his duty; and when he ſaw his men recoil, he himſelf advanced with a good ſtand of pikes, and, piercing into the thickeſt of the enemy, was at laſt overpowered by numbers and taken priſoner. His army, upon this diſaſter, gave ground apace; inſomuch that the four parties of the royaliſts, growing nearer and nearer as they aſcended, at length met together upon the plain at the top, where they embraced with great joy, and ſignalized their victory with loud ſhouts and mutual congratulations[k].

After this ſucceſs, the attention both of king and parliament was turned towards the weſt, as to a very important ſcene of action. The king ſent thither the marquis of Hertford and Prince Maurice with a reinforcement of cavalry; who, having joined the Corniſh army, ſoon over-ran the county of Devon; and advancing into that of Somerſet, began to reduce it to obedience. On the other hand, the parliament, having ſupplied Sir William Waller, in whom they much truſted, with a complete army, diſpatched him weſtwards, in order to check the progreſs of the royaliſts. After ſome ſkirmiſhes, the two armies met at Lanſdown, near Bath, and fought a pitched battle, with great loſs on both ſides, but without any deciſive event[l]. The gallant Granville was there killed; and Hopton, by the blowing up of ſome powder, was dangerouſly hurt. The royaliſts next attempted to march eaſtwards, and to join their forces to the king's at Oxford: But Waller hung on their rear, and infeſted their march till they reached the Devizes. Reinforced by addition-

Battle of Lanſdown, 5th July.

k Ruſhworth, vol. vi. p. 267. 273. Clarendon, vol. iii. p. 269. 279.
l Ruſhworth, vol. vi. p. 284. Clarendon, vol. iii. p. 282.

al

al troops, which flocked to him from all quarters, he ſo much ſurpaſſed the royaliſts in number, that they durſt no longer continue their march, or expoſe themſelves to the hazard of an action. It was reſolved, that Hertford and Prince Maurice ſhould proceed with the cavalry; and, having procured a reinforcement from the king, ſhould haſten back to the relief of their friends. Waller was ſo confident of taking this body of infantry, now abandoned by the horſe, that he wrote to the parliament, that their work was done, and that, by the next poſt, he would inform them of the number and quality of the priſoners. But the king, even before Hertford's arrival, hearing of the great difficulties to which his weſtern army was reduced, had prepared a conſiderable body of cavalry, which he immediately diſpatched to their ſuccour under the command of Lord Wilmot. Waller drew up on Roundway-down, about two miles from Devizes; and advancing with his cavalry to fight Wilmot, and prevent his conjunction with the Corniſh infantry, was received with equal valour by the royaliſts. After a ſharp action he was totally routed, and flying with a few horſe, eſcaped to Briſtol. Wilmot, ſeizing the enemy's cannon, and having joined his friends, whom he came to relieve, attacked Waller's infantry with redoubled courage, drove them off the field, and routed and diſperſed the whole army [m].

CHAP. LVI. 1643.

Battle of Roundway-down, 13th July.

This important victory, following ſo quick after many other ſucceſſes, ſtruck great diſmay into the parliament, and gave an alarm to their principal army commanded by Eſſex. Waller exclaimed loudly againſt that general, for allowing Wilmot to paſs him, and proceed without any interruption to the ſuccour of the diſtreſſed infantry at the Devizes.

m Ruſh. vol. vi. p. 285. Clarendon, vol. iii. p. 291.]

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But Eſſex, finding that his army fell continually to decay after the ſiege of Reading, was reſolved to remain upon the defenſive; and the weakneſs of the king, and his want of all military ſtores, had alſo reſtrained the activity of the royal army. No action had happened in that part of England, except one ſkirmiſh, which, of itſelf, was of no great conſequence, and was rendered memorable by the death alone of the famous Hambden.

Colonel Urrey, a Scotchman, who ſerved in the parliamentary army, having received ſome diſguſt, came to Oxford, and offered his ſervices to the king. In order to prove the ſincerity of his converſion, he informed Prince Rupert of the looſe diſpoſition of the enemy's quarters, and exhorted him to form ſome attempt upon them. The prince, who was entirely fitted for that kind of ſervice, falling ſuddenly upon the diſperſed bodies of Eſſex's army, routed two regiments of cavalry and one of infantry, and carried his ravages within two miles of the general's quarters. The alarm being given, every one mounted on horſeback, in order to purſue the prince, to recover the priſoners, and to repair the diſgrace, which the army had ſuſtained. Among the reſt, Hambden, who had a regiment of infantry that lay at a diſtance, joined the horſe as a volunteer; and overtaking the royaliſts on Chalgrave field, entered into the thickeſt of the battle. By the bravery and activity of Rupert, the king's troops were brought off, and a great booty, together with two hundred priſoners, was conveyed to Oxford. But what moſt pleaſed the royaliſts, was the expectation that ſome diſaſter had happened to Hambden, their capital and much-dreaded enemy. One of the priſoners taken in the action ſaid, that he was confident Mr Hambden was hurt: For he ſaw him, contrary to his uſual cuſtom, ride off the field before the action

was

was finiſhed; his head hanging down, and his hands leaning upon his horſe's neck. Next day, the news arrived, that he was ſhot in the ſhoulder with a brace of bullets, and the bone broken. Some days after, he died, in exquiſite pain, of his wound; nor could his whole party, had their army met with a total overthrow, have been thrown into greater conſternation. The king himſelf ſo highly valued him, that, either from generoſity or policy, he intended to have ſent him his own ſurgeon to aſſiſt at his cure [n].

CHAP. LVI. 1643. Death of Hambden.

Many were the virtues and talents of this eminent perſonage; and his valour during the war, had ſhone out with a luſtre equal to that of the other accompliſhments by which he had ever been diſtinguiſhed. Affability in converſation; temper, art, and eloquence in debate; penetration and diſcernment in counſel; induſtry, vigilance, and enterpriſe in action; all theſe praiſes are unanimouſly aſcribed to him by hiſtorians of the moſt oppoſite parties. His virtue too and integrity, in all the duties of private life, are allowed to have been beyond exception: We muſt only be cautious, notwithſtanding his generous zeal for liberty, not haſtily to aſcribe to him the praiſes of a good citizen. Through all the horrors of civil war, he ſought the abolition of monarchy, and ſubverſion of the conſtitution; an end, which, had it been attainable by peaceful meaſures, ought carefully to have been avoided by every lover of his country. But whether, in the purſuit of this violent enterpriſe, he was actuated by private ambition, or by honeſt prejudices, derived from the former exorbitant powers of royalty, it belongs not to an hiſtorian of this age, ſcarcely even to an intimate friend, poſitively to determine [o].

n Warwick's Memoirs, p. 241. Clarendon, vol. i. p. 264.
o See note [GG] at the end of the volume.

Eſſex,

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Eſſex, diſcouraged by this event, diſmayed by the total rout of Waller, was farther informed, that the queen, who landed in Burlington-bay, had arrived at Oxford, and had brought from the north a reinforcement of 3000 foot and 1500 horſe. Diſlodging from Thame and Ayleſbury, where he had hitherto lain, he thought proper to retreat nearer to London, and he ſhewed to his friends his broken and diſheartened forces, which a few months before he had led into the field in ſo flouriſhing a condition. The king, freed from this enemy, ſent his army weſtward under Prince Rupert; and, by their conjunction with the Corniſh troops, a formidable force, for numbers as well as reputation and valour, was compoſed. That an enterpriſe, correſpondent to men's expectations, might be undertaken, the prince reſolved to lay ſiege to Briſtol, the ſecond town for richneſs and greatneſs in the kingdom. Nathaniel Fiennes, ſon of Lord Say, he himſelf, as well as his father, a great parliamentary leader, was governor, and commanded a garriſon of 2500 foot, and two regiments, one of horſe, another of dragoons. The fortifications not being complete or regular, it was reſolved by Prince Rupert to ſtorm the city; and next morning, with little other proviſions, ſuitable to ſuch a work, beſides the courage of the troops, the aſſault began. The Corniſh, in three diviſions, attacked the weſt ſide, with a reſolution which nothing could controul: But though the middle diviſion had already mounted the wall, ſo great was the diſadvantage of the ground, and ſo brave the defence of the garriſon, that in the end the aſſailants were repulſed with a conſiderable loſs both of officers and ſoldiers. On the prince's ſide, the aſſault was conducted with equal courage, and almoſt with equal loſs, but with better ſucceſs. One party, led by Lord Grandiſon, was indeed beaten off, and the commander

commander himself mortally wounded: Another, conducted by Colonel Bellasis, met with a like fate: But Washington, with a less party, finding a place in the curtain weaker than the rest, broke in, and quickly made room for the horse to follow. By this eruption, however, nothing but the suburbs was yet gained: The entrance into the town was still more difficult: And by the loss already sustained, as well as by the prospect of farther danger, every one was extremely discouraged: When, to the great joy of the army, the city beat a parley. The garrison was allowed to march out with their arms and baggage, leaving their cannon, ammunition, and colours. For this instance of cowardice, Fiennes was afterwards tried by a court-martial, and condemned to lose his head; but the sentence was remitted by the general [p].

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Bristol taken, July 25.

Great complaints were made of violences exercised on the garrison, contrary to the capitulation.—An apology was made by the royalists, as if these were a retaliation for some violences committed on their friends at the surrender of Reading. And under pretence of like retaliations, but really from the extreme animosity of the parties, were such irregularities continued during the whole course of the war [q].

The loss sustained by the royalists in the assault of Bristol, was considerable. Five hundred excellent soldiers perished. Among those of condition were Grandison, Slanning, Trevannion, and Moyle: Bellasis, Ashley, and Sir John Owen, were wounded: Yet was the success, upon the whole, so considerable as mightily raised the courage of the one party, and depressed that of the other. The king, to show that he was not intoxicated with good fortune, nor aspired to a total victory over the parliament, publish-

p Rush. vol. vi. p. 284. Clarendon, vol. iii. p. 293, 294, &c.
q Clarendon, *ubi supra*, p. 297.

ed

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ed a manifeſto, in which he renewed the proteſtation, formerly taken, with great ſolemnity, at the head of his army, and expreſſed his firm intention of making peace upon the re-eſtabliſhment of the conſtitution. Having joined the camp at Briſtol, and ſent Prince Maurice with a detachment into Devonſhire, he deliberated how to employ the remaining forces in an enterpriſe of moment. Some propoſed, and ſeemingly with reaſon, to march directly to London, where every thing was in confuſion, where the army of the parliament was baffled, weakened, and diſmayed, and where, it was hoped, either by an inſurrection of the citizens, by victory, or by treaty, a ſpeedy end might be put to the civil diſorders. But this undertaking, by reaſon of the great number and force of the London militia, was thought by many to be attended with conſiderable difficulties.—Gloceſter, lying within twenty miles, preſented an eaſier, yet a very important conqueſt. It was the only remaining garriſon poſſeſſed by the parliament in theſe parts. Could that city be reduced, the king held the whole courſe of the Severn under his command; the rich and malcontent counties of the weſt, having loſt all protection from their friends, might be forced to pay high contributions, as an atonement for their diſaffection; an open communication could be preſerved between Wales and theſe new conqueſts; and half of the kingdom, being entirely freed from the enemy, and thus united into one firm body, might be employed in re-eſtabliſhing the king's authority throughout the remainder. Theſe were the reaſons for embracing that reſolution; fatal, as it was ever eſteemed, to the royal party [r].

Siege of Gloceſter.

The governor of Gloceſter was one Maſſey, a ſoldier of fortune, who, before he engaged with the par-

r Whitlocke, p. 69. May, book iii. p. 91.

liament,

liament had offered his ſervice to the king; and as he was free from the fumes of enthuſiaſm, by which moſt of the officers on that ſide were intoxicated, he would lend an ear, it was preſumed, to propoſals for accommodation. But Maſſey was reſolute to preſerve an entire fidelity to his maſters; and, though no enthuſiaſt himſelf, he well knew how to employ to advantage that enthuſiaſtic ſpirit ſo prevalent in his city and garriſon. The ſummons to ſurrender allowed two hours for an anſwer. But, before that time expired, there appeared before the king two citizens, with lean, pale, ſharp, and diſmal viſages: Faces ſo ſtrange and uncouth, according to Lord Clarendon, figures ſo habited and accoutered, as at once moved the moſt ſevere countenance to mirth, and the moſt cheerful heart to ſadneſs. It ſeemed impoſſible that ſuch meſſengers could bring leſs than a defiance. The men, without any circumſtance of duty or good manners, in a pert, ſhrill, undiſmayed accent, ſaid, that they brought an anſwer from the godly city of Gloceſter: And, extremely ready were they, according to the hiſtorian, to give inſolent and ſeditious replies to any queſtion; as if their buſineſs were chiefly, by provoking the king to make him violate his own ſafe conduct. The anſwer from the city was in theſe words: "We the inhabitants, magiſtrates, officers "and ſoldiers, within the garriſon of Gloceſter, "unto his Majeſty's gracious meſſage, return this "humble anſwer,—That we do keep this city, ac"cording to our oaths and allegiance, to and for the "uſe of his majeſty and his royal poſterity; and do "accordingly conceive ourſelves wholly bound to "obey the commands of his majeſty ſignified by "both houſes of parliament; and are reſolved, by "God's help to keep this city accordingly [s]." After theſe preliminaries, the ſiege was reſolutely un-

CHAP. LVI. 1643. 10th Aug.

[s] Ruſh. vol. vi. p. 287. Clarendon, vol. iii. p. 315. May, book iii. p. 96.

dertaken

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dertaken by the army, and as reſolutely ſuſtained by the citizens and garriſon.

When intelligence of the ſiege of Gloceſter arrived in London, the conſternation among the inhabitants was as great as if the enemy were already at their gates. The rapid progreſs of the royaliſts threatened the parliament with immediate ſubjection. The factions and diſcontents among themſelves, in the city, and throughout the neighbouring counties, prognoſticated ſome dangerous diviſion or inſurrection. Thoſe parliamentary leaders, it muſt be owned, who had introduced ſuch mighty innovations into the Engliſh conſtitution, and who had projected ſo much greater, had not engaged in an enterprize which exceeded their courage and capacity. Great vigour, from the beginning, as well as wiſdom, they had diſplayed in all their counſels; and a furious, headſtrong body, broken looſe from the reſtraint of law, had hitherto been retained in ſubjection under their authority, and firmly united by zeal and paſſion, as by the moſt legal and eſtabliſhed government. A ſmall committee, on whom the two houſes devolved their power, had directed all their military operations, and had preſerved a ſecrecy in deliberation, and a promptitude in execution, beyond what the king, notwithſtanding the advantages poſſeſſed by a ſingle leader, had ever been able to attain. Senſible that no jealouſy was by their partizans entertained againſt them, they had on all occaſions exerted an authority much more deſpotic than the royaliſts, even during the preſſing exigencies of war, could with patience endure in their ſovereign. Whoever incurred their diſpleaſure, or was expoſed to their ſuſpicions, was committed to priſon, and proſecuted under the notion of delinquency. After all the old jails were full, many new ones were erected; and even the ſhips were crowded with the royaliſts, both gentry and clergy, who languiſhed below decks, and periſhed

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rished in those unhealthy confinements. They imposed taxes, the heaviest, and of the most unusual nature, by an ordinance of the two houses; they voted a commission for sequestrations; and they seized, wherever they had power, the revenues of all the king's party [t]: And, knowing that themselves, and all their adherents, were, by resisting the prince, exposed to the penalties of law, they resolved, by a severe administration, to overcome these terrors, and to retain the people in obedience, by penalties of a more immediate execution. In the beginning of this summer, a combination, formed against them in London, had obliged them to exert the plenitude of their authority.

Edmond Waller, the first refiner of English versification, was a member of the lower house; a man of considerable fortune, and not more distinguished by his poetical genius than by his parliamentary talents, and by the politeness and elegance of his manners. As full of keen satire and invective in his eloquence, as of tenderness and panegyric in his poetry, he caught the attention of his hearers, and excited the utmost boldness in blaming those violent counsels, by which the commons were governed. Finding all opposition within doors to be fruitless, he endeavoured to form a party without, which might oblige the parliament to accept of reasonable conditions, and restore peace to the nation. The charms of his conversation, joined to his character of courage and integrity, had procured him the entire confidence of Northumberland, Conway, and every eminent person of either sex who resided in London. They opened their breast to him without reserve, and expressed their disapprobation of the furious measures

[t] The king afterwards copied from this example; but, as the far greater part of the nobility and landed gentry were his friends, he reaped much less profit from this measure.

pursued

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purſued by the commons, and their wiſhes that ſome expedient could be found for ſtopping ſo impetuous a career. Tomkins, Waller's brother-in-law, and Chaloner, the intimate friend of Tomkins, had entertained like ſentiments. And, as the connections of theſe two gentlemen lay chiefly in the city, they informed Waller, that the ſame abhorrence of war prevailed there, among all men of reaſon and moderation. Upon reflection, it ſeemed not impracticable that a combination might be formed between the lords and citizens; and, by mutual concert, the illegal taxes be refuſed, which the parliament, without the royal aſſent, impoſed on the people. While this affair was in agitation, and liſts were making of ſuch as they conceived to be well affected to their deſign, a ſervant of Tomkins, who had overheard their diſcourſe, immediately carried intelligence to Pym. Waller, Tomkins, and Chaloner were ſeized, and tried by a court martial [u]. They were all three condemned, and the two latter executed on gibbets erected before their own doors. A covenant, as a teſt, was taken [w] by the lords and commons, and impoſed on their army, and on all who lived within their quarters. Beſides reſolving to amend and reform their lives, the covenanters there vow, that they will never lay down their arms ſo long as the Papiſts, now in open war againſt the parliament, ſhall, by force of arms, be protected from juſtice; they expreſs their abhorrence of the late conſpiracy; and they promiſe to aſſiſt to the utmoſt the forces raiſed by both houſes, againſt the forces levied by the king [x].

Waller, as ſoon as impriſoned, ſenſible of the great danger into which he had fallen, was ſo ſeized with the dread of death, that all his former ſpirit deſerted him;

u Ruſhworth, vol. vi. p. 326. Clarendon, vol. iii. p. 249, 250, &c.

w 6th of June.

x Ruſh. vol. vi. p. 325. Clarendon, vol. ii. p. 255.

and

and he confeſſed whatever he knew, without ſparing his moſt intimate friends, without regard to the confidence repoſed in him, without diſtinguiſhing between the negligence of familiar converſation and the ſchemes of a regular conſpiracy. With the moſt profound diſſimulation, he counterfeited ſuch remorſe of conſcience, that his execution was put off, out of mere chriſtian compaſſion, till he might recover the uſe of his underſtanding. He invited viſits from the ruling clergy of all ſects; and while he expreſſed his own penitence, he received their devout exhortations with humility and reverence, as conveying clearer conviction and information than in his life he had ever before attained. Preſents, too, of which, as well as of flattery, theſe holy men were not inſenſible, were diſtributed among them, as a ſmall retribution for their prayers and ghoſtly counſel. And by all theſe artifices, more than from any regard to the beauty of his genius, of which, during that time of furious cant and faction, ſmall account would be made, he prevailed ſo far as to have his life ſpared, and a fine of ten thouſand pounds accepted in lieu of it [y].

CHAP. LVI. 1641.

The ſeverity exerciſed againſt the conſpiracy, or rather project, of Waller, encreaſed the authority of the parliament, and ſeemed to inſure them againſt like attempts for the future. But by the progreſs of the king's arms, the defeat of Sir William Waller, the taking of Briſtol, the ſiege of Gloceſter, a cry for peace was renewed, and with more violence than ever. Crowds of women, with a petition for that purpoſe, flocked about the houſe, and were ſo clamorous and importunate, that orders were given for diſperſing them; and ſome of the females were killed in the fray [z]. Bedford, Holland, and Conway, had deſerted the parliament, and had gone to Ox-

y Whitlocke, p. 66. Ruſhworth, vol. vi. p. 330. Clarendon, vol. iii. p. 253, 254. &c.

z Ruſhworth, vol. vi. p. 357.

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ford; Clare and Lovelace had followed them [a]. Northumberland had retired to his country ſeat: Eſſex himſelf ſhewed extreme diſſatisfaction, and exhorted the parliament to make peace [b]. The upper houſe ſent down terms of accommodation, more moderate than had hitherto been inſiſted on. It even paſſed by a majority among the commons, that theſe propoſals ſhould be tranſmitted to the king. The zealots took the alarm. A petition againſt peace was framed in the city, and preſented by Pennington, the factious mayor. Multitudes attended him, and renewed all the former menaces againſt the moderate party [c]. The pulpits thundered, and rumours were ſpread of twenty thouſand Iriſh who had landed, and were to cut the throat of every Proteſtant [d]. The majority was again turned to the other ſide; and all thoughts of pacification being dropped, every preparation was made for reſiſtance, and for the immediate relief of Gloceſter, on which the parliament was ſenſible all their hopes of ſucceſs in the war did ſo much depend.

Maſſey, reſolute to make a vigorous defence, and having under his command a city and garriſon ambitious of the crown of martyrdom, had hitherto maintained the ſiege with courage and abilities, and had much retarded the advances of the king's army. By continual ſallies, he infeſted them in their trenches, and gained ſudden advantages over them: By diſputing every inch of ground, he repreſſed the vigor and alacrity of their courage, elated by former ſucceſſes. His garriſon, however, was reduced to the laſt extremity; and he failed not, from time to time, to inform the parliament, that, unleſs ſpeedily relieved, he ſhould be neceſſitated, from the extreme want of proviſions and ammunition, to open his gates to the enemy.

a Whitlocke, p. 67.
b Ruſh, vol. vi. p. 290.
c Idem, ibid. p. 356.
d Clarendon, vol. iii. p. 320. Ruſh. vol. vi. p. 588.

The

CHAP. LVI. 1643.

The parliament, in order to repair their broken condition, and put themſelves in a poſture of defence, now exerted to the utmoſt their power and authority. They voted, that an army ſhould be levied under Sir William Waller, whom, notwithſtanding his misfortunes, they loaded with extraordinary careſſes. Having aſſociated in their cauſe the counties of Hertford, Eſſex, Cambridge, Norfolk, Suffolk, Lincoln, and Huntingdon, they gave the earl of Mancheſter a commiſſion to be general of the aſſociation, and appointed an army to be levied under his command. But, above all, they were intent that Eſſex's army, on which their whole fortune depended, ſhould be put in a condition of marching againſt the king. They excited afreſh their preachers to furious declamations againſt the royal cauſe. They even employed the expedient of preſſing, though aboliſhed by a late law, for which they had ſtrenuouſly contended[e]. And they engaged the city to ſend four regiments of its militia to the relief of Gloceſter. All ſhops, meanwhile, were ordered to be ſhut; and every man expected, with the utmoſt anxiety, the event of that important enterprize[f].

Eſſex, carrying with him a well-appointed army of 14,000 men, took the road of Bedford and Leiceſter; and, though inferior in cavalry, yet, by the mere force of conduct and diſcipline, he paſſed over thoſe open campaign countries, and defended himſelf from the enemy's horſe, who had advanced to meet him, and who infeſted him during his whole march. As he approached to Gloceſter, the king was obliged to raiſe the ſiege, and open the way for Eſſex to enter that city. The neceſſities of the garriſon were extreme. One barrel of powder was their whole ſtock of amunition remaining; and their other proviſions were in the ſame proportion. Eſſex had brought with him military ſtores; and the neigh-

e Ruſh. vol. vi. p. 291. f Idem, ibid.

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bouring country abundantly ſupplied him with victuals of every kind. The inhabitants had carefully concealed all proviſions from the king's army, and pretending to be quite exhauſted, had reſerved their ſtores for that cauſe which they ſo much favoured[g].

The chief difficulty ſtill remained. Eſſex dreaded a battle with the king's army, on account of its great ſuperiority in cavalry; and he reſolved to return if poſſible, without running that hazard. He lay five days at Tewkeſbury, which was his firſt ſtage after leaving Gloceſter; and he feigned, by ſome preparations, to point towards Worceſter. By a forced march during the night, he reached Cirenceſter, and obtained the double advantage of paſſing unmoleſted an open country, and of ſurpriſing a convoy of proviſions which lay in that town[h]. Without delay he proceeded towards London; but, when he reached Newbury, he was ſurpriſed to find, that the king, by haſty marches, had arrived before him, and was already poſſeſſed of the place.

Sept. 20. Battle of Newbury.

An action was now unavoidable; and Eſſex prepared for it with preſence of mind, and not without military conduct. On both ſides, the battle was fought with deſperate valour and a ſteady bravery. Eſſex's horſe were ſeveral times broken by the king's, but his infantry maintained themſelves in firm array; and beſides giving a continued fire, they preſented an invincible rampart of pikes againſt the furious ſhock of Prince Rupert, and thoſe gallant troops of gentry of which the royal cavalry was chiefly compoſed. The militia of London eſpecially, though utterly unacquainted with action, though drawn but a few days before from their ordinary occupations, yet having learned all military exerciſes, and being animated with unconquerable zeal for the cauſe in which they were engaged, equalled on

g Clarendon, vol. iii. p. 344. h Ruſh. vol. vi. p. 292.

this

this occaſion, what could be expected from the moſt veteran forces. While the armies were engaged with the utmoſt ardour, night put an end to the action, and left the victory undecided. Next morning, Eſſex proceeded on his march; and though his rear was once put in ſome diſorder by an incruſion of the king's horſe, he reached London in ſafety, and received applauſe for his conduct and ſucceſs in the whole enterprize. The king followed him on his march; and having taken poſſeſſion of Reading, after the earl left it, he there eſtabliſhed a garriſon; and ſtraitened, by that means, London, and the quarters of the enemy[i].

CHAP. LVI. 1643.

In the battle of Newbury, on the part of the king, beſides the earls of Sunderland and Carnarvon, two noblemen of promiſing hopes, were unfortunately ſlain, to the regret of every lover of ingenuity and virtue throughout the kingdom, Lucius Cary, viſcount Falkland, ſecretary of ſtate. Before aſſembling the preſent parliament, this man, devoted to the purſuits of learning, and to the ſociety of all the polite and elegant, had enjoyed himſelf in every pleaſure, which a fine genius, a generous diſpoſition, and an opulent fortune could afford. Called into public life, he ſtood foremoſt in all attacks on the high prerogatives of the crown; and diſplayed that maſculine eloquence, and undaunted love of liberty, which, from his intimate acquaintance with the ſublime ſpirits of antiquity, he had greedily imbibed. When civil convulſions proceeded to extremities, and it became requiſite for him to chuſe his ſide, he tempered the ardour of his zeal, and embraced the defence of thoſe limited powers which remained to monarchy, and which he deemed neceſſary for the ſupport of the Engliſh conſtitution. Still anxious, however, for his country, he ſeems to have dreaded the too proſperous ſucceſs of his own party as

[i] Ruſh. vol. vi. p. 293. Clarendon, vol. iii. p. 347.

CHAP. LVI. 1643.

much as of the enemy; and, among his intimate friends, often after a deep silence, and frequent sighs, he would, with a sad accent, reiterate the word, *Peace*. In excuse for the too free exposing of his person, which seemed unsuitable in a secretary of state, he alledged, that it became him to be more active than other men in all hazardous enterprises, lest his impatience for peace might bear the imputation of cowardice or pusillanimity. From the commencement of the war, his natural cheerfulness and vivacity became clouded; and even his usual attention to dress, required by his birth and station, gave way to a negligence which was easily observable. On the morning of the battle in which he fell, he had shown some care of adorning his person; and gave for a reason, that the enemy should not find his body in any slovenly indecent situation. "I am "weary," subjoined he, "of the times, and fore-"see much misery to my country; but believe, that "I shall be out of it ere night[k]." This excellent person was but thirty-four years of age, when a period was thus put to his life.

The loss sustained on both sides in the battle of Newbury, and the advanced season, obliged the armies to retire into winter-quarters.

Actions in the north.

In the north, during this summer, the great interest and popularity of the earl, now created marquis of Newcastle, had raised a considerable force for the king; and great hopes of success were entertained from that quarter. There appeared, however, in opposition to him, two men, on whom the event of the war finally depended, and who began about this time to be remarked for their valour and military conduct. These were Sir Thomas Fairfax, son of the Lord of that name, and Oliver Cromwel. The former gained a considerable advantage at

[k] Whitlocke, p. 70. Clarendon, vol. iii. p. 350, 351, &c.

Wakefield

Wakefield [l] over a detachment of royaliſts, and took General Goring priſoner: The latter obtained a victory at Gainſborow [m] over a party commanded by the gallant Cavendiſh, who periſhed in the action. But both theſe defeats of the royaliſts were more than ſufficiently compenſated by the total route of Lord Fairfax at Atherton moor [n], and the diſperſion of his army. After this victory, Newcaſtle, with an army of 15,000 men, ſat down before Hull. Hotham was no longer governor of this place. That gentleman and his ſon, partly from a jealouſy entertained of Lord Fairfax, partly repenting of their engagements againſt the king, had entered into a correſpondence with Newcaſtle, and had expreſſed an intention of delivering Hull into his hands. But their conſpiracy being detected, they were arreſted and ſent priſoners to London; where, without any regard to their former ſervices, they fell both of them victims to the ſeverity of the parliament [o].

CHAP. LVI. 1643.

Newcaſtle having carried on the attack of Hull for ſome time, was beat off by a ſally of the garriſon [p], and ſuffered ſo much, that he thought proper to raiſe the ſiege. About the ſame time, Mancheſter, who advanced from the eaſtern aſſociated counties, having joined Cromwel and young Fairfax, obtained a conſiderable victory over the royaliſts at Horn Caſtle; where the two officers laſt mentioned gained renown by their conduct and gallantry. And though fortune had thus balanced her favours, the king's party ſtill remained much ſuperior in thoſe parts of England; and had it not been for the garriſon of Hull, which kept Yorkſhire in awe, a conjunction of the northern forces with the army in the ſouth might have been made, and had probably enabled the king, inſtead of entering on the unfortu-

l 21ſt of May.
m 31ſt of July.
n 30th of June.
o Ruſh. vol. vi. p. 275.
p 12th of October.

CHAP. LVI. 1643.

nate, perhaps imprudent, enterprize of Gloceſter, to march directly to London, and put an end to the war [q].

While the military enterprizes were carried on with vigour in England, and the event became every day more doubtful, both parties caſt their eye towards the neighbouring kingdoms, and ſought aſſiſtance for the finiſhing of that enterprize in which their own forces experienced ſuch furious oppoſition. The parliament had recourſe to Scotland; the king to Ireland.

When the Scottiſh covenanters obtained that end for which they ſo earneſtly contended, the eſtabliſhment of Preſbyterian diſcipline in their own country, they were not ſatisfied, but indulged ſtill an ardent paſſion for propagating by all methods that mode of religion in the neighbouring kingdoms. Having flattered themſelves, in the fervour of their zeal, that, by ſupernatural aſſiſtances, they ſhould be enabled to carry their triumphant covenant to the gates of Rome itſelf, it behoved them firſt to render it prevalent in England, which already ſhowed ſo great a diſpoſition to receive it. Even in the articles of pacification, they expreſſed a deſire of uniformity in worſhip with England; and the king, employing general expreſſions, had approved of this inclination as pious and laudable. No ſooner was there an appearance of a rupture, than the Engliſh parliament, in order to allure that nation into a cloſe confederacy, openly declared their wiſhes of eccleſiaſtical reformation, and of imitating the example of their northern brethren [r]. When war was actually commenced, the ſame artifices were uſed; and the Scots beheld with the utmoſt impatience, a ſcene of action of which they could not deem themſelves indifferent ſpectators. Should the king, they ſaid, be able by force of arms, to prevail over the parliament of Eng-

q Warwick, p. 261. Walker, p. 278.

r Ruſh. vol. vi. p. 390. Clarendon, vol. iii. p. 68.

land,

land, and re-eſtabliſh his authority in that powerful kingdom, he will undoubtedly retract all thoſe conceſſions which, with ſo many circumſtances of violence and indignity, the Scots have extorted from him. Beſides a ſenſe of his own intereſt, and a regard to royal power, which has been entirely annihilated in this country; his very paſſion for Prelacy and for religious ceremonies, muſt lead him to invade a church which he has ever been taught to regard as antichriſtian and unlawful. Let us but conſider who the perſons are that compoſe the factions now ſo furiouſly engaged in arms. Does not the parliament conſiſt of thoſe very men who have ever oppoſed all war with Scotland, who have puniſhed the authors of our oppreſſions, who have obtained us the redreſs of every grievance, and who, with many honourable expreſſions, have conferred on us an ample reward for our brotherly aſſiſtance? And is not the court full of Papiſts, prelates, malignants; all of them zealous enemies to our religious model, and reſolute to ſacrifice their lives for their idolatrous eſtabliſhments? Not to mention our own neceſſary ſecurity, can we better expreſs our gratitude to heaven for that pure light with which we are, above all nations, ſo eminently diſtinguiſhed, than by conveying the ſame divine knowledge to our unhappy neighbours, who are wading through a ſea of blood in order to attain it? Theſe were, in Scotland, the topics of every converſation: With theſe doctrines the pulpits echoed: And the famous curſe of Meroz, that curſe ſo ſolemnly denounced and reiterated againſt neutrality and moderation, reſounded from all quarters [z].

CHAP. LVI. 1648.

The parliament of England had ever invited the Scots, from the commencement of the civil diſſen-

z Curſe ye Meroz, ſaid the angel of the Lord; curſe ye bitterly the bitants thereof: Becauſe they came not to the help of the Lord, to the help of the Lord againſt the mighty. Judges, chap. v. ver. 23.

CHAP. LVI. 1643.

tions, to interpoſe their mediation, which, they knew, would be ſo little favourable to the king:— And the king, for that very reaſon, had ever endeavoured, with the leaſt offenſive expreſſions, to decline it[t]. Early this ſpring, the earl of Loudon, the chancellor, with other commiſſioners, and attended by Henderſon, a popular and intriguing preacher, was ſent to the king at Oxford, and renewed the offer of mediation; but with the ſame ſucceſs as before. The commiſſioners were alſo empowered to preſs the king on the article of religion, and to recommend to him the Scottiſh model of eccleſiaſtic worſhip and diſcipline. This was touching Charles in a very tender point: His honour, his conſcience, as well as his intereſt, he believed to be intimately concerned in ſupporting Prelacy and the liturgy[u].— He begged the commiſſioners, therefore, to remain ſatisfied with the conceſſions which he had made to Scotland; and, having modelled their own church according to their own principles, to leave their neighbours in the like liberty, and not to intermeddle with affairs of which they could not be ſuppoſed competent judges[w].

The divines of Oxford, ſecure, as they imagined, of a victory, by means of their authorities from church hiſtory, their quotations from the fathers, and their ſpiritual arguments, deſired a conference with Henderſon, and undertook, by dint of reaſoning, to convert that great apoſtle of the north: But Henderſon, who had ever regarded, as impious, the leaſt doubt with regard to his own principles, and who knew of a much better way to reduce opponents than by employing any theological topics, abſolutely refuſed all diſputation or controverſy. The Engliſh divines went away full of admiration at the blind aſſurance and bigoted prejudices of the man: He,

t Ruſh. vol. vi. p. 398.
u See note [HH] at the end of the volume.
w Ruſh. vol. vi. p. 462.

on

on his part, was moved with equal wonder at their obſtinate attachment to ſuch palpable errors and deluſions. CHAP. LVI. 1641.

By the conceſſions which the king had granted to Scotland, it became neceſſary for him to ſummon a parliament once in three years; and in June of the ſubſequent year, was fixed the period for the meeting of that aſſembly. Before that time elapſed, Charles flattered himſelf that he ſhould be able, by ſome deciſive advantage, to reduce the Engliſh parliament to a reaſonable ſubmiſſion, and might then expect, with ſecurity, the meeting of a Scottiſh parliament. Though earneſtly ſolicited by London to ſummon preſently that great council of the nation, he abſolutely refuſed to give authority to men who had already excited ſuch dangerous commotions, and who ſhowed ſtill the ſame diſpoſition to reſiſt and invade his authority. The commiſſioners, therefore, not being able to prevail in any of their demands, deſired the king's paſſport for London, where they purpoſed to confer with the Engliſh parliament [x]; and being likewiſe denied this requeſt, they returned with extreme diſſatisfaction to Edinburgh.

The office of conſervators of the peace was newly erected in Scotland, in order to maintain the confederacy between the two kingdoms; and theſe, inſtigated by the clergy, were reſolved, ſince they could not obtain the king's conſent, to ſummon, in his name, but by their own authority, a convention of ſtates; and to bereave their ſovereign of this article, the only one which remained of his prerogative.—Under colour of providing for national peace, endangered by the neighbourhood of Engliſh armies, was a convention called [y]; an aſſembly, which, though it meets with leſs ſolemnity, has the ſame authority as a parliament, in raiſing money and levying forces.

x Ruſh. vol. vi. p. 406.

y 22d of June.

Hamilton,

CHAP. LVI. 1643.

Hamilton, and his brother the earl of Laneric, who had been ſent into Scotland in order to oppoſe theſe meaſures, wanted either authority or ſincerity; and paſſively yielded to the torrent. The general aſſembly of the church met at the ſame time with the convention; and, exerciſing an authority almoſt abſolute over the whole civil power, made every political conſideration yield to their theological zeal and prejudices.

The Engliſh parliament was, at that time, fallen into great diſtreſs, by the progreſs of the royal arms; and they gladly ſent to Edinburgh commiſſioners, with ample powers to treat of a nearer union and confederacy with the Scottiſh nation. The perſons employed were the earl of Rutland, Sir William Armyne, Sir Henry Vane the younger, Thomas Hatcher, and Henry Darley, attended by Marſhal and Nye, two clergymen of ſignal authority[z]. In this negociation, the man chiefly truſted was Vane, who, in eloquence, addreſs, capacity, as well as in art and diſſimulation, was not ſurpaſſed by any one, even during that age, ſo famous for active talents.—

Solemn league and covenant.

By his perſuation was framed at Edinburgh, that SOLEMN LEAGUE AND COVENANT, which effaced all former proteſtations and vows taken in both kingdoms, and long maintained its credit and authority. In this covenant, the ſubſcribers, beſides engaging mutually to defend each other againſt all opponents, bound themſelves to endeavour, without reſpect of perſons, the extirpation of Popery and Prelacy, ſuperſtition, hereſy, ſchiſm, and profaneneſs; to maintain the rights and privileges of parliaments, together with the king's authority; and to diſcover and bring to juſtice all incendaries and malignants[a].

z Whitlocke, p. 73. Ruſh. vol. vi. p. 466. Clarendon, vol. iii. p. 300.
a Ruſh. vol. vi. p. 478. Clarendon, vol. iii. p. 373.

The

The ſubſcribers of the covenant vowed alſo to preſerve the reformed religion eſtabliſhed in the church of Scotland; but, by the artifice of Vane, no declaration more explicit was made with regard to England and Ireland, than that theſe kingdoms ſhould be reformed, according to the word of God, and the example of the pureſt churches. The Scottiſh zealots, when Prelacy was abjured, deemed this expreſſion quite free from ambiguity, and regarded their own model as the only one which correſponded, in any degree to ſuch a deſcription; But that able politician had other views; and while he employed his great talents in over-reaching the Preſbyterians, and ſecretly laughed at their ſimplicity, he had blindly devoted himſelf to the maintenance of ſyſtems ſtill more abſurd and more dangerous. CHAP. LVI. 1643.

In the Engliſh parliament there remained ſome members, who, though they had been induced, either by private ambition, or by zeal for civil liberty, to concur with the majority, ſtill retained an attachment to the hierarchy, and to the ancient modes of worſhip. But, in the preſent danger which threatened their cauſe, all ſcruples were laid aſide; and the covenant, by whoſe means alone they could expect to obtain ſo conſiderable a reinforcement as the acceſſion of the Scottiſh nation, was received without oppoſition. The parliament, therefore, having firſt ſubſcribed it themſelves, ordered it to be received by all who lived under their authority. Sept. 17.

Great were the rejoicings among the Scots, that they ſhould be the happy inſtruments of extending their mode of religion, and diſſipating that profound darkneſs in which the neighbouring nations were involved. The general aſſembly applauded this glorious imitation of the piety diſplayed by their anceſtors, who, they ſaid, in three different applications, during the reign of Elizabeth, had endeavoured to engage the Engliſh, by perſuaſion, to lay aſide the

CHAP. LVI. 1643.

the use of the surplice, tippet, and corner-cap [b]. The convention too, in the height of their zeal, ordered every one to swear to this covenant, under the penalty of confiscation; beside what farther punishment it should please the ensuing parliament to inflict on the refusers, as enemies to God, to the king, and to the kingdom. And being determined that the sword should carry conviction to all refractory minds, they prepared themselves, with great vigilance and activity, for their military enterprises.

Arming of the Scots.

By means of a hundred thousand pounds, which they received from England; by the hopes of good pay and warm quarters; not to mention men's favourable disposition towards the cause; they soon completed their levies. And, having added, to their other forces, the troops which they had recalled from Ireland, they were ready, about the end of the year, to enter England, under the command of their old general, the earl of Leven, with an army of above twenty thousand men [c].

The king, foreseeing this tempest which was gathering upon him, endeavoured to secure himself by every expedient; and he cast his eye towards Ireland, in hopes that this kingdom, from which his cause had already received so much prejudice, might at length contribute somewhat towards his protection and security.

State of Ireland.

After the commencement of the Irish insurrection, the English parliament, though they undertook the suppression of it, had ever been too much engaged, either in military projects, or expeditions at home, to take any effectual step towards finishing that enterprize. They had entered, indeed, into a contract with the Scots, for sending over an army of ten thousand men into Ireland; and, in order to engage that nation in this undertaking, beside giving a promise of pay, they agreed to put Carie-

b Rush. vol. vi. p. 388. c Clarendon, vol. iii. p. 383.

fergus

CHAP. LVI. 1643.

fergus into their hands, and to inveſt their general with an authority quite independent of the Engliſh government. Theſe troops, ſo long as they were allowed to remain, were uſeful, by diverting the force of the Iriſh rebels, and protecting in the north the ſmall remnants of the Britiſh planters. But, except this contract with the Scottiſh nation, all the other meaſures of the parliament either were hitherto abſolutely inſignificant, or tended rather to the prejudice of the Proteſtant cauſe in Ireland. By continuing their violent perſecution, and ſtill more violent menaces againſt prieſts and Papiſts, they confirmed the Iriſh Catholics in their rebellion, and cut off all hopes of indulgence and toleration. By diſpoſing beforehand of all the Iriſh forfeitures to ſubſcribers or adventurers, they rendered all men of property deſperate, and ſeemed to threaten a total extirpation of the natives [d]. And while they thus infuſed zeal and animoſity into the enemy, no meaſure was purſued which could tend to ſupport or encourage the Proteſtants, now reduced to the laſt extremities.

So great is the aſcendant which, from a long courſe of ſucceſſes, the Engliſh has acquired over the Iriſh nation, that though the latter, when they receive military diſcipline among foreigners, are not ſurpaſſed by any troops, they had never, in their own country, been able to make any vigorous effort for the defence or recovery of their liberties. In many rencounters, the Engliſh, under Lord More, Sir William St Leger, Sir Frederic Hamilton, and others, had, though under great diſadvantages of ſituation and numbers, put the Iriſh to rout, and returned in triumph to Dublin. The rebels raiſed the ſiege of Tredah, after an obſtinate defence made by the gar-

d A thouſand acres in Ulſter were given to every one that ſubſcribed 200 pounds, in Connaught to the ſubſcribers of 350. in Munſter for 450, in Leinſter for 600.

riſon.

CHAP. LVI. 1643.

riſon [e]. Ormond had obtained two complete victories at Kilruſh and Roſs, and had brought relief to all the forts which were beſieged or blockaded in different parts of the kingdom [f]. But, notwithſtanding theſe ſucceſſes, even the moſt common neceſſaries of life were wanting to the victorious armies. The Iriſh, in their wild rage againſt the Britiſh planters, had laid waſte the whole kingdom, and were themſelves totally unfit, from their habitual ſloth and ignorance, to raiſe any convenience of human life. During the courſe of ſix months, no ſupplies had come from England, except the fourth part of one ſmall veſſel's lading. Dublin, to ſave itſelf from ſtarving, had been obliged to ſend the greater part of its inhabitants to England. The army had little ammunition, ſcarcely exceeding forty barrels of gunpowder; not even ſhoes or clothes; and, for want of food, the ſoldiers had been obliged to eat their own horſes. And, though the diſtreſs of the Iriſh was not much inferior [g], beſides that they were more hardened againſt ſuch extremities, it was but a melancholy reflection, that the two nations, while they continued their furious animoſities, ſhould make deſolate that fertile iſland, which might ſerve to the ſubſiſtence and happineſs of both.

The juſtices and council of Ireland had been engaged chiefly by the intereſt and authority of Ormond, to fall into an entire dependence on the king. Parſons, Temple, Loftus, and Meredith, who favoured the oppoſite party, had been removed; and Charles had ſupplied their place by others better affected to his ſervice. A committee of the Engliſh houſe of commons, which had been ſent over to Ireland, in order to conduct the affairs of that kingdom, had been excluded the council, in obedience to orders tranſmitted from the king [h]. And theſe

e Ruſhworth, vol. vi. p. 506.
f Idem, ibid. p. 512.
g Idem, ibid. p. 555.
h Idem, ibid. p. 530. Clarendon, vol. iii. p. 167.

were

were reaſons ſufficient, beſides the great difficulties, under which they themſelves laboured, why the parliament was unwilling to ſend ſupplies to an army, which, though engaged in a cauſe much favoured by them, was commanded by their declared enemies. They even intercepted ſome ſmall ſuccours ſent thither by the king. CHAP. LVI. 1643.

The king, as he had neither money, arms, ammunition, nor proviſions to ſpare, from his own urgent wants, reſolved to embrace an expedient, which might at once relieve the neceſſities of the Iriſh Proteſtants, and contribute to the advancement of his affairs in England. A truce with the rebels, he thought, would enable his ſubjects in Ireland to provide for their own ſupport, and would procure him the aſſiſtance of the army againſt the Engliſh parliament. But, as a treaty with a people ſo odious for their barbarities, and ſtill more for their religion, might be repreſented in invidious colours, and renew all thoſe calumnies with which he had been loaded, it was neceſſary to proceed with great caution in conducting that meaſure. A remonſtrance from the army was made to the Iriſh council, repreſenting their intolerable neceſſities, and craving permiſſion to leave the kingdom: And if that were refuſed, *We muſt have recourſe*, they ſaid, *to that firſt and primary law, with which God has endowed all men, we mean the law of nature, which teaches every creature to preſerve itſelf* [i]. Memorials both to the king and parliament were tranſmitted by the juſtices and council, in which their wants and dangers are ſtrongly ſet forth [k]; and though the general expreſſions in theſe memorials might perhaps be ſuſpected of exaggerations, yet from the particular facts mentioned, from the confeſſion of the Engliſh parliament it-

i Ruſh. vol. vi p. 537. k Idem, ibid. p. 538.

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self[l], and from the very nature of things, it is apparent that the Iriſh Proteſtants were reduced to great extremities[m]; and it became prudent in the king, if not abſolutely neceſſary, to embrace ſome expedient which might ſecure them, for a time, from the ruin and miſery with which they were threatened.

Accordingly, the king gave order[n] to Ormond and the juſtices to conclude, for a year, a ceſſation of arms with the council of Kilkenny, by whom the Iriſh were governed, and to leave both ſides in poſſeſſion of their preſent advantages. The parliament, whoſe buſineſs it was to find fault with every meaſure adopted by the oppoſite party, and who would not loſe ſo fair an opportunity of reproaching the king with his favour to the Iriſh Papiſts, exclaimed loudly againſt this ceſſation. Among other reaſons, they inſiſted upon the divine vengeance which England might juſtly dread for tolerating antichriſtian idolatry, on pretence of civil contracts and political agreements[o]. Religion, though every day employed as the engine of their own ambitious purpoſes, was ſuppoſed too ſacred to be yielded up to the temporal intereſts or ſafety of kingdoms.

After the ceſſation, there was little neceſſity, as well as no means of ſubſiſting the army in Ireland. The king ordered Ormond, who was entirely devoted to him, to ſend over conſiderable bodies of it to England. Moſt of them continued in his ſervice: But a ſmall part having imbibed in Ireland a ſtrong animoſity againſt the Catholics, and hearing the king's

l Ruſh. vol. vi. p. 540.

m See farther Carte's Ormond, vol. iii. No. 113, 127, 128, 129, 134, 136, 141, 144, 149, 158, 159. All theſe papers put it paſt doubt, that the neceſſities of the Engliſh army in Ireland were extreme. See farther, Ruſh. vol. vi. p. 537.; and Dugdale p. 853, 854.

n 7th September. See Ruſh. vol. vi. p. 537, 544, 547.

o Idem, ibid. p. 557.

party

party universally reproached with Popery, soon after deserted to the parliament.

CHAP LVI. 1643.

Some Irish Catholics came over with these troops, and joined the royal army, where they continued the same cruelties and disorders to which they had been accustomed [p]. The parliament voted, that no quarter in any action should ever be given them: But Prince Rupert, by making some reprizals, soon repressed this inhumanity [q].

[p] Whitlocke, p. 78, 103.

[q] Rush. vol. vi. p. 680, 783.

NOTES

TO THE

SIXTH VOLUME.

NOTE [A], p. 19.

SIR Charles Cornwallis, the king's ambaſſador at Madrid, when preſſed by the Duke of Lerma to enter into a league with Spain, ſaid to that miniſter; *though his majeſty was an* abſolute *king, and therefore not bound to give an account to any of his actions; yet that ſo gracious and regardful a prince he was of the love and contentment of his own ſubjects, as I aſſured myſelf he would not think it fit to do any thing of ſo great conſequence without acquainting them with his intentions.* Winwood, vol. ii. p. 222. Sir Walter Raleigh has this paſſage in the preface to his hiſtory of the World. *Philip II. by ſtrong hand and main force, attempted to make himſelf not only an* abſolute monarch *over the Netherlands, like unto the kings and monarchs of England and France, but Turk-like, to tread under his feet all their natural and fundamental laws, privileges, and ancient rights.* We meet with this paſſage in Sir John Davis's queſtion concerning impoſitions, p. 161. "Thus we ſee by this compariſon, that the "king of England doth lay but his little finger upon his ſub-"jects, when other princes and ſtates do lay their heavy loins

" upon their people: What is the reaſon of this difference? " From whence cometh it? aſſuredly not from a different " power or prerogative: For the king of England is as abſo- " lute a monarch as any emperor or king in the world, and " hath as many prerogatives incident to his crown." Coke, in Cawdry's caſe, ſays, " That by the ancient laws of this " realm, England is an *abſolute* empire and monarchy; and " that the king is furniſhed with plenary and entire power, " prerogative, and juriſdiction, and is ſupreme governor over " all perſons within his realm." Spencer, ſpeaking of ſome grants of the Engliſh kings to the Iriſh corporations, ſays, " All which, though at the time of their firſt grant they were " tolerable, and perhaps reaſonable, yet now are moſt unrea- " ſonable and inconvenient. But all theſe will eaſily be cut " off, with the ſuperior power of her Majeſty's prerogative, " againſt which her own grants are not to be pleaded or en- " forced." State of Ireland, p. 1537. edit. 1706. The ſame author in p. 1660. propoſes a plan for the civilization of Ireland; that the queen ſhould create a provoſt marſhal in every county, who might ride about with eight or ten fol- lowers in ſearch of ſtragglers and vagabonds: The firſt time he catches any, he may puniſh them more lightly, by the ſtocks; the ſecond time by whipping; but the third time, he may hang them, without trial or proceſs, on the firſt bough: And he thinks, that this authority may more ſafely be en- truſted to the provoſt marſhal than to the ſheriff: Becauſe the latter magiſtrate, having a profit by the eſcheats of felons, may be tempted to hang innocent perſons. Here a real ab- ſolute, or rather deſpotic power is pointed out; and we may infer from all theſe paſſages, either that the word *abſolute* bore a different ſenſe from what it does at preſent, or that men's ideas of the Engliſh, as well as Iriſh government were then different. This latter inference ſeems juſter. The word, be- ing derived from the French, bore always the ſame ſenſe as in that language. An abſolute monarchy in Charles I.'s an- ſwer to the nineteen propoſitions is oppoſed to a limited; and the king of England is acknowledged not to be abſolute: So much had matters changed even before the civil war. In Sir John Forteſcue's treatiſe of abſolute and limited mo- narchy, a book written in the reign of Edward the IV, the word *abſolute* is taken in the ſame ſenſe as at preſent: and the government of England is alſo ſaid not to be abſolute.

They

They were the princes of the houſe of Tudor chiefly, who introduced that adminiſtration, which had the appearance of abſolute government. The princes before them were reſtrained by the barons; as thoſe after them by the houſe of commons. The people had, properly ſpeaking, little liberty in either of theſe ancient governments, but leaſt, in the more ancient.

NOTE [B], p. 20.

EVEN this parliament, which ſhewed ſo much ſpirit and good-ſenſe in the affair of Goodwin, made a ſtrange conceſſion to the crown, in their fourth ſeſſion. Toby Mathews, a member, had been baniſhed by order of the council upon direction from his majeſty. The parliament not only acquieſced in this arbitrary proceeding, but iſſued writs for a new election, Such novices were they, as yet, in the principles of Liberty! See Journ. Feb 14 1609. Mathews was baniſhed by the king, on account of his change of religion to Popery. The king had an indulgence to thoſe who had been educated Catholics; but could not bear the new converts. It was probably the animoſity of the commons againſt the Papiſts which made them acquieſce in this precedent, without reflecting on the conſequences! The jealouſy of Liberty, though rouſed, was not yet thoroughly enlightened.

NOTE [C], p. 23.

AT that time, men of genius and of enlarged minds had adopted the principles of liberty, which were, as yet, pretty much unknown to the generality of the people. Sir Matthew Hales has publiſhed a remonſtrance againſt the king's conduct towards the parliament during this ſeſſion. The remonſtrance is drawn with great force of reaſoning and ſpirit of liberty; and was the production of Sir Francis Bacon and Sir Edwin Sandys, two men of the greateſt parts and knowledge in England. It is drawn in the name of the commons; but as there is no hint of it in the journals, we muſt conclude,

either that the authors, ſenſible that the ſtrain of the piece was much beyond the principles of the age, had not ventured to preſent it to the houſe, or that it had been, for that reaſon, rejected. The dignity and authority of the commons are ſtrongly inſiſted upon in this remonſtrance; and it is there ſaid, that their ſubmiſſion to the ill treatment which they received during the latter part of Elizabeth's reign, had proceeded from the tenderneſs towards her age and her ſex.—But the authors are miſtaken in theſe facts: For the houſe received and ſubmitted to as bad treatment in the beginning and middle of that reign. The government was equally arbitrary in Mary's reign, in Edward's, in Harry the eighth and ſeventh's. And the father we go back into hiſtory, though there might be more of a certain irregular kind of liberty among the barons, the commons were ſtill of leſs authority.

NOTE [D], p. 27.

THIS parliament paſſed an act of recognition of the king's title in the moſt ample terms. They recognized and acknowledged, that immediately upon the diſſolution and deceaſe of Elizabeth, late queen of England, the imperial crown thereof did, by inherent birthright and lawful and undoubted ſucceſſion, deſcend and come to his moſt excellent majeſty, as being lineally, juſtly, and lawfully next and ſole heir of the blood royal of this realm. 1. James I. cap. 1. The puritans, though then prevalent, did not think proper to diſpute this great conſtitutional point. In the recognition of Queen Elizabeth the parliament declares, that the queen's highneſs is, and in very deed and of moſt mere right ought to be, by the laws of God and by the laws and ſtatutes of this realm, our moſt lawful and rightful ſovereign, liege lady and queen, &c. It appears then, that, if King James's *divine right* be not mentioned by parliament, the omiſſion came merely from chance, and becauſe that phraſe did not occur to the compiler of the recognition; his title being plainly the ſame with that of his predeceſſor, who was allowed to have a *divine* right.

NOTE

NOTE [E], p. 36.

SOME hiſtorians have imagined, that the king had ſecret intelligence of the conſpiracy, and that the letter to Monteagle was written by his direction, in order to obtain the praiſe of penetration in diſcovering the plot. But the known facts refute this ſuppoſition. That letter, being commonly talked of, might naturally have given an alarm to the conſpirators, and made them contrive their eſcape. The viſit of the lord chamberlain ought to have had the ſame effect. In ſhort, it appears, that nobody was arreſted or enquired after, for ſome days, till Fawkes diſcovered the names of the conſpirators. We may infer, however, from a letter in Winwood's Memorials, vol. ii. p. 171. that Saliſbury's ſagacity led the king in his conjectures, and that the miniſter, like an artful courtier, gave his maſter the praiſe of the whole diſcovery.

NOTE [F], p. 52.

WE find the king's anſwer in Winwood's Memorials, vol. iii. p. 193. 2d edit. "To the third and fourth "(namely, that it might be lawful to arreſt the king's ſer- "vants without leave, and that no man ſhould be inforced to "lend money, nor give a reaſon why he would not) his "majeſty ſent us an anſwer, that becauſe we brought prece- "dents of antiquity to ſtrengthen thoſe demands, he allowed "not of any precedents drawn from the time of uſurping or "decaying princes, or people too bold and wanton; that he "deſired not to govern in that commonwealth, where ſubjects "ſhould be aſſured of all things, and hope for nothing. It "was one thing *ſubmittere principatum legibus*; and another "thing *ſubmittere principatum ſubditus*: That he would not "leave to poſterity ſuch a mark of weakneſs upon his reign; "and therefore his concluſion was, *non placit petitio, non "placet exemplum:* Yet with this mitigation, that in matters "of loans he would refuſe no reaſonable excuſe, nor ſhould "my lord chamberlain deny the arreſting of any of his maje-

"ſty's

" jesty's servants, if just cause was shown." The parliament, however, acknowledged at this time with thankfulness to the king, that he allowed disputes and inquiries about his prerogative, much beyond what had been indulged by any of his predecessors. *Parliament. Hist.* vol. v. p. 230. This very session, he expressly gave them leave to produce all their grievances, without exception.

NOTE [G], p. 56.

IT may not be unworthy of observation, that James in a book called, *The true laws of free Monarchies*, which he published a little before his accession to the crown of England, affirmed, " That a good king, although he be above the " law, will subject and frame his actions thereto, for example's " sake to his subjects, and of his own free-will, but not " as subject or bound thereto." In another passage, " According to the fundamental law already alledged, we daily " see, that in the parliament (which is nothing else but the " head-court of the king and his vassals) the laws are but " craved by his subjects, and only made by him at their ro- " gation, and with their advice. For albeit the king *make* " *daily* statutes and ordinances, enjoining such pains thereto " as he thinks meet, without any advice of parliament or " estates; yet it lies in the power of no parliament to make " any kind of law or statute, without his sceptre be to it, for " giving it the force of a law." *King James's Works*, p. 202. It is not to be supposed, that, at such a critical juncture, James had so little sense as, directly, in so material a point, to have openly shocked what were the universal established principles of that age: On the contrary, we are told by historians, that nothing tended more to facilitate his succession, than the good opinion entertained of him by the English, on account of his learned and judicious writings. The question, however, with regard to the royal power was, at this time, become a very dangerous point; and without employing ambiguous, insignificant terms, which determined nothing, it was impossible to please both king and parliament. Dr Cowell, who had magnified the prerogative in words too intelligible, fell this session under the indignation of the commons. *Parliament*,

ment. Hiſt. vol. v. p. 221. The king himſelf, after all his magnificent boaſts, was obliged to make his eſcape through a diſtinction which he framed between a king *in abſtracto* and a king *in concreto*: An abſtract king, he ſaid, had all power; but a concrete king was bound to obſerve the laws of the country which he governed. *King James's Works*, p. 533. But, how bound? By conſcience only: Or might his ſubjects reſiſt him and defend their privileges? This he thought not fit to explain. And ſo difficult is it to explain that point, that, to this day, whatever liberties may be uſed by private enquirers, the laws have, very prudently, thought proper to maintain a total ſilence with regard to it.

NOTE [H], p. 73.

PARL. HIST. vol. v. p. 290. So little fixed at this time were the rules of parliament, that the commons complained to the peers of a ſpeech made in the upper houſe by the biſhop of Lincoln, which it belonged only to that houſe to cenſure, and which the other could not regularly be ſuppoſed to be acquainted with. Theſe at leaſt are the rules eſtabliſhed ſince the parliament became a real ſeat of power, and ſcene of buſineſs. Neither the king muſt take notice of what paſſes in either houſe, nor either houſe of what paſſes in the other, till regularly informed of it. The commons, in their famous proteſtation 1621, fixed this rule with regard to the king, though at preſent they would not bind themſelves by it. But as liberty was yet new, thoſe maxims which guard and regulate it, were unknown and unpractiſed.

NOTE [I], p. 98.

SOME of the facts in this narrative, which ſeem to condemn Raleigh, are taken from the king's declaration, which being publiſhed by authority, when the facts were recent, being extracted from examinations before the privy council, and ſubſcribed by ſix privy counſellors, among whom was Abbot archbiſhop of Canterbury, a prelate nowiſe complaiſant to the court, muſt be allowed to have great weight, or rather

to

to be of undoubted credit. Yet the moſt material facts are confirmed either by the nature and reaſon of the thing, or by Sir Walter's own apology and his letters. The king's declaration is in the Harleyan Miſcellany, Vol. 3. No. 2.

1. There ſeems to be an improbability that the Spaniards, who knew nothing of Raleigh's pretended mine, ſhould have built a town, in ſo wide a coaſt, within three miles of it. The chances are extremely againſt ſuch a ſuppoſition: And it is more natural to think, that the view of plundering the town led him thither, than that of working the mine. 2. No ſuch mine is there found to this day. 3. Raleigh in fact found no mine, and in fact he plundered and burned a Spaniſh town. Is it not more probable, therefore, that the latter was his intention? How can the ſecrets of his breaſt be rendered ſo viſible as to counterpoiſe certain facts? 4. He confeſſes in his letter to Lord Carew, that, though he knew it, yet he concealed from the king the ſettlement of the Spaniards on that coaſt. Does not this fact alone render him ſufficiently criminal? 5. His commiſſion empowers him only to ſettle on a coaſt poſſeſſed by ſavage and barbarous inhabitants. Was it not the moſt evident breach of orders to diſembark on a coaſt poſſeſſed by Spaniards? 6. His orders to Keymis, when he ſent him up the river, are contained in his own apology, and from them it appears, that he knew (what was unavoidable) that the Spaniards would reſiſt, and would oppoſe the Engliſh landing and taking poſſeſſion of the country. His intentions, therefore, were hoſtile from the beginning. 7. Without provocation, and even when at a diſtance, he gave Keymis orders to diſlodge the Spaniards from their own town. Could any enterprize be more hoſtile? And conſidering the Spaniards as allies to the nation, could any enterprize be more criminal? Was he not the aggreſſor, even though it ſhould be true that the Spaniards fired upon his men at landing? It is ſaid, he killed three or four hundred of them. Is that ſo light a matter? 8. In his letter to the king, and in his apology, he grounds his defence on former hoſtilities exerciſed by the Spaniards againſt other companies of Engliſhmen. Theſe are accounted for by the ambiguity of the treaty between the nations. And it is plain, that though theſe might poſſibly be reaſons for the king's declaring war againſt that nation, they could never intitle Raleigh to declare war, and without any commiſſion, or contrary to his commiſſion, to invade the Spaniſh

nish settlements. He pretends, indeed, that peace was never made with Spain in the Indies: A most absurd notion! The chief hurt which the Spaniards could receive from England was in the Indies; and they never would have made peace at all, if hostilities had been still to be continued on these settlements. By secret agreement, the English were still allowed to support the Dutch even after the treaty of peace. If they had also been allowed to invade the Spanish settlements, the treaty had been a full peace to England, while the Spaniards were still exposed to the full effects of war. 9. If the claim to the property of that country, as first discoverers, was good, in opposition to present settlement, as Raleigh pretends, why was it not laid before the king with all its circumstances, and submitted to his judgment? 10. Raleigh's force is acknowledged by himself to have been insufficient to support him in the possession of St Thomas against the power of which Spain was master on that coast; yet it was sufficient, as he owns, to take by surprize and plunder twenty towns. It was not therefore his design to settle, but to plunder. By these confessions, which I have here brought together, he plainly betrays himself. 11. Why did he not stay and work his mine, as at first he projected? He apprehended that the Spaniards would be upon him with a greater force. But before he left England, he knew that this must be the case, if he invaded any part of the Spanish colonies. His intention therefore never was to settle, but only to plunder. 12. He acknowledges that he knew neither the depth nor riches of the mine, but only that there was some ore there. Would he have ventured all his fortune and credit on so precarious a foundation? 13. Would the other adventurers, if made acquainted with this, have risqued every thing to attend him? Ought a fleet to have been equipped for an experiment? Was there not plainly an imposture in the management of this affair? 14. He says to Keymis, in his orders, Bring but a basket-full of ore, and it will satisfy the king, that my project was not imaginary. This was easily done from the Spanish mines; and he seems to have been chiefly displeased at Keymis for not attempting it. Such a view was a premeditated apology to cover his cheat. 15. The king in his declaration imputes it to Raleigh, that as soon as he was at sea, he immediately fell into such uncertain and doubtful talk of his mine, and said, that it would be sufficient if he brought home

home a basket-full of ore. From the circumstance last mentioned, it appears that this imputation was not without reason. 16. There are many other circumstances of great weight in the king's declaration; that Raleigh, when he fell down to Plymouth, took no poineers with him, which he always declared to be his intention; that he was nowise provided with instruments for working a mine, but had a sufficient stock of warlike stores; that young Raleigh, in attacking the Spaniards, employed the words, which, in the narration, I have put in his mouth; that the mine was moveable, and shifted as he saw convenient: Not to mention many other public facts which prove him to have been highly criminal against his companions as well as his country. Howel in his letters says, that there lived in London in 1645, an officer, a man of honour, who asserted, that he heard young Raleigh speak these words, vol. ii. letter 63. That was a time when there was no interest in maintaining such a fact. 17. Raleigh's account of his first voyage to Guiana proves him to have been a man capable of the most extravagant credulity or most impudent imposture. So ridiculous are the stories which he tells of the Inca's chimerical empire in the midst of Guiana; the rich city of El Dorado, or Manoa, two days journey in length, and shining with gold and silver; the old Peruvian prophecies in favour of the English, who, he says were expressly named as the deliverers of that country, long before any European had ever touched there; the Amazons or republic of women; and in general, the vast and incredible riches which he saw on that continent, where nobody has yet found any treasures. This whole narrative is a proof that he was exteremely defective either in solid understanding, or morals, or both. No man's character indeed seems ever to have been carried to such extremes as Raleigh's, by the opposite passions of envy and pity. In the former part of his life, when he was active and lived in the world, and was probably best known, he was the object of universal hatred and detestation throughout England; in the latter part, when shut up in prison, he became much more unreasonably, the object of great love and admiration.

As to the circumstances of the narrative, that Raleigh's pardon was refused him, that his former sentence was purposely kept in force against him, and that he went out under these express conditions, they may be supported by the following

lowing authorities. 1. The king's word and that of six privy-counsellors, who affirm it for fact. 2. The nature of the thing. If no suspicion had been entertained of his intentions, a pardon would never have been refused to a man to whom authority was entrusted. 3. The words of the commission itself, where he is simply stiled Sir Walter Raleigh, and not *faithful and well-beloved*, according to the usual and never-failing stile on such occasions. 4. In all the letters which he wrote home to Sir Ralph Winwood and to his own wife, he always considers himself as a person unpardoned and liable to the law. He seems, indeed, immediately upon the failure of his enterprize, to have become desperate, and to have expected the fate which he met with.

It is pretended, that the king gave intelligence to the Spaniards of Raleigh's project; as if he had needed to lay a plot for destroying a man, whose life had been fourteen years, and still was, in his power. The Spaniards wanted no other intelligence to be on their guard, than the known and public fact of Raleigh's armament. And there was no reason why the king should conceal from them the project of a settlement, which Raleigh pretended, and the king believed, to be entirely innocent.

The king's chief blame seems to have lain in his negligence, in allowing Raleigh to depart without a more exact scrutiny: But for this he apologizes, by saying, that sureties were required for the good behaviour of Raleigh and all his associates in the enterprize, but that they gave in bonds for each other: A cheat which was not perceived till they had sailed, and which encreased the suspicion of bad intentions.

Perhaps the king ought also to have granted Raleigh a pardon for his old treason, and to have tried him anew for his new offences. His punishment in that case would not only have been just, but conducted in a just and unexceptionable manner. But we are told that a ridiculous opinion at that time prevailed in the nation, (and it is plainly supposed by Sir Walter in his apology,) that, by treaty, war was allowed with the Spaniards in the Indies, though peace was made in Europe: And while that notion took place, no jury would have found Raleigh guilty. So that had not the king punished him upon the old sentence, the Spaniards would have had a just cause of complaint against the king, sufficient to have produced

decaded war, at least to have destroyed all cordiality between the parties.

This explication I thought necessary, in order to clear up the story of Raleigh's; which, though very obvious, is generally mistaken in so gross a manner, that I scarcely know its parallel in the English history.

NOTE [K], p. 106.

THIS parliament is remarkable for being the epoch in which were first regularly formed, though without acquiring these denominations, the parties of court and country; parties, which have ever since continued, and which, while they oft threaten the total dissolution of the government, are the real causes of its permanent life and vigour. In the ancient feudal constitution, of which the English partook with other European nations, there was a mixture, not of authority and liberty, which we have since enjoyed in this island, and which now subsist uniformly together; but of authority and anarchy, which perpetually shocked with each other, and which took place alternately, according as circumstances were more or less favourable to either of them. A parliament composed of barbarians, summoned from their fields and forests, uninstructed by study, conversation, or travel; ignorant of their own laws and history, and unacquainted with the situation of all foreign nations; a parliament called precariously by the king, and dissolved at his pleasure; sitting a few days, debating a few points prepared for them, and whose members were impatient to return to their own castles, where alone they were great, and to the chace, which was their favourite amusement: Such a parliament was very little fitted to enter into a discussion of all the questions of government, and to share, in a regular manner, the legal administration. The name, the authority of the king alone appeared, in the common course of government; in extraordinary emergencies, he assumed, with still better reason, the sole direction; the imperfect and unformed laws left, in every thing, a latitude of interpretation: and when the ends pursued by the monarch were, in general, agreeable to his subjects, little scruple or jealousy was entertained with regard to the regularity of the means. During the reign of an able, fortunate,

fortunate, or popular prince, no member of either house, much less of the lower, durst think of entering into a formed party, in opposition to the court; since the dissolution of the parliament must, in a few days, leave him unprotected, to the vengeance of his sovereign, and to those stretches of prerogative, which were then so easily made, in order to punish an obnoxious subject. During an unpopular and weak reign, the current commonly ran so strongly against the monarch, that none durst enlist themselves in the court-party; or if the prince was able to engage any considerable barons on his side, the question was decided with arms in the field, not by debates or arguments in a senate or assembly. And upon the whole, the chief circumstance, which, during ancient times, retained the prince in any legal form of administration, was, that the sword, by the nature of the feudal tenures, remained still in the hands of his subjects; and this irregular and dangerous check had much more influence than the regular and methodical limits of the laws and constitution. As the nation could not be compelled, it was necessary that every public measure of consequence, particularly that of levying new taxes, should seem to be adopted by common consent and approbation.

The princes of the house of Tudor, partly by the vigour of their administration, partly by the concurrence of favourable circumstances, had been able to establish a more regular system of government; but they drew the constitution so near to despotism, as diminished extremely the authority of the parliament. The senate became, in a great degree, the organ of royal will and pleasure: Opposition would have been regarded as a species of rebellion: And even religion, the most dangerous article in which innovations could be introduced, had admitted, in the course of a few years, four several alterations, from the authority alone of the sovereign. The parliament was not then the road to honour and preferment: The talents of popular intrigue and eloquence were uncultivated and unknown: And though that assembly still preserved authority, and retained the privilege of making laws and bestowing public money, the members acquired not, upon that account, either with prince or people, much more weight and consideration. What powers were necessary for conducting the machine of government, the king was accustomed of himself to assume. His own revenue supplied

him with money ſufficient for his ordinary expences. And when extraordinary emergencies occurred, the prince needed not to ſolicit votes in parliament, either for making laws or impoſing taxes, both of which were now become requiſite for public intereſt and preſervation.

The ſecurity of individuals, ſo neceſſary to the liberty of popular councils, was totally unknown in that age. And as no deſpotic princes, ſcarcely even the eaſtern tyrants, rule entirely without the concurrence of ſome aſſemblies, which ſupply both advice and authority; little, but a mercenary force, ſeems then to have been wanting towards the eſtabliſhment of a ſimple monarchy in England. The militia, though more favourable to regal authority than the feudal inſtitutions, was much inferior, in this reſpect, to diſciplined armies; and if it did not preſerve liberty to the people, it preſerved, at leaſt, the power, if ever the inclination ſhould ariſe, of recovering it.

But ſo low, at that time, ran the inclination towards liberty, that Elizabeth, the laſt of that arbitrary line, herſelf no leſs arbitrary, was yet the moſt renowned and moſt popular of all the ſovereigns that had filled the throne of England. It was natural for James to take the government as he found it, and to purſue her meaſures, which he heard ſo much applauded; nor did his penetration extend ſo far as to diſcover, that neither his circumſtances nor his character could ſupport ſo extenſive an authority. His narrow revenues and little frugality began now to render him dependent on his people, even in the ordinary courſe of adminiſtration: Their encreaſing knowledge diſcovered to them that advantage which they had obtained; and made them ſenſible of the ineſtimable value of civil liberty. And as he poſſeſſed too little dignity to command reſpect, and too much good-nature to impreſs fear, a new ſpirit diſcovered itſelf every day in the parliament; and a party, watchful of a free conſtitution, was regularly formed in the houſe of commons.

But notwithſtanding theſe advantages acquired to liberty, ſo extenſive was royal authority, and ſo firmly eſtabliſhed in all its parts, that it is probable the patriots of that age would have deſpaired of ever reſiſting it, had they not been ſtimulated by religious motives, which inſpire a courage unſurmountable by any human obſtacle.

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The ſame alliance which has ever prevailed between kingly power and eccleſiaſtical authority, was now fully eſtabliſhed in England; and while the prince aſſiſted the clergy in ſuppreſſing ſchiſmaticks and innovators, the clergy, in return, inculcated the doctrine of an unreſerved ſubmiſſion and obedience to the civil magiſtrate. The genius of the church of England, ſo kindly to monarchy, forwarded the confederacy; its ſubmiſſion to Epiſcopal juriſdiction; its attachment to ceremonies, to order, and to a decent pomp and ſplendor of worſhip; and, in a word, its affinity to the tame ſuperſtition of the Catholics, rather than to the wild fanaticiſm of the puritans.

On the other hand, oppoſition to the church, and the perſecutions under which they laboured, were ſufficient to throw the puritans into the country party, and to beget political principles little favourable to the high pretenſions of the ſovereign. The ſpirit too of enthuſiaſm; bold, daring, and uncontrouled; ſtrongly diſpoſed their minds to adopt republican tenets; and inclined them to arrogate, in their actions and conduct, the ſame liberty, which they aſſumed, in their rapturous flights and extaſies. Ever ſince the firſt origin of that ſect, through the whole reign of Elizabeth as well as of James, *puritanical* principles had been underſtood in a double ſenſe, and expreſſed the opinions favourable both to political and to eccleſiaſtical liberty. And as the court, in order to diſcredit all parliamentary oppoſition, affixed the denomination of puritans to its antagoniſts, the religious puritans willingly adopted this idea, which was ſo advantageous to them, and which confounded their cauſe with that of the patriots or country party. Thus were the civil and eccleſiaſtical factions regularly formed; and the humour of the nation, during that age, running ſtrongly towards fanatical extravagancies, the ſpirit of civil liberty gradually revived from its lethargy, and by means of its religious aſſociate, from which it reaped more advantage than honour, it ſecretly enlarged its dominion over the greater part of the kingdom.

This Note was in the firſt edition a part of the text; but the author omitted it, in order to avoid, as much as poſſible, the ſtyle of diſſertation in the body of his hiſtory. The paſſage, however, contains views ſo important, that he thought it might be admitted as a note.

NOTE [L], p. 116.

THIS proteſtation is ſo remarkable, that it may not be improper to give it in its own words. "The commons now aſſembled in parliament, being juſtly occaſioned thereunto, concerning ſundry liberties, franchiſes, and privileges of parliament, amongſt others here mentioned, do make this proteſtation following: That the liberties, franchiſes, and juriſdictions of parliament are the ancient and undoubted birth-right and inheritance of the ſubjects of England; and that the urgent and arduous affairs concerning the king, ſtate, and defence of the realm and of the church of England; and the maintenance and making of laws, and redreſs of miſchiefs and grievances, which daily happen within this realm, are proper ſubjects and matter of council and debate in parliament; and that in the handling and proceeding of thoſe buſineſſes, every member of the houſe of parliament hath, and, of right, ought to have, freedom of ſpeech to propound, treat, reaſon, and bring to concluſion the ſame; and that the commons in parliament have like liberty and freedom to treat of theſe matters, in ſuch order as in their judgment ſhall ſeem fitteſt; and that every member of the ſaid houſe hath like freedom from all impeachment, impriſonment, and moleſtation, (other than by cenſure of the houſe itſelf,) for or concerning any ſpeaking, reaſoning, or declaring of any matter or matters touching the parliament or parliament-buſineſs. And that if any of the ſaid members be complained of and queſtioned for any thing done or ſaid in parliament, the ſame is to be ſhown to the king by the advice and aſſent of all the commons aſſembled in parliament, before the king give credence to any private information." Franklyn, p. 65. Ruſhworth, vol. i. p. 53. Kennet, p. 747. Coke, p. 77.

NOTE

NOTE [M], p. 141.

THE moment the prince embarked at St Andero's he ſaid to thoſe about him, that it was folly in the Spaniards to uſe him ſo ill, and allow him to depart: A proof that the duke had made him believe they were inſincere in the affair of the marriage and the Palatinate: For, as to his reception, in other reſpects, it had been altogether unexceptionable. Beſides, had not the prince believed the Spaniards to be inſincere, he had no reaſon to quarrel with them, though Buckingham had. It appears, therefore, that Charles himſelf muſt have been deceived. The multiplied delays of the diſpenſation, though they aroſe from accident, afforded Buckingham a plauſible pretext for charging the Spaniards with inſincerity.

NOTE [N], p. 143.

AMONG other particulars, he mentions a ſum of 80,000 pounds borrowed from the king of Denmark. In a former ſpeech to the parliament, he told them, that he had expended 500,000 pounds in the cauſe of the Palatine, beſides the voluntary contribution given him by the people. See Franklyn, p. 50. But what is more extraordinary, the treaſurer, in order to ſhow his own good ſervices, boaſts to the parliament, that by his contrivance, 60,000 pounds had been ſaved in the article of exchange in the ſums remitted to the Palatine. This ſeems a great ſum, nor is it eaſy to conceive whence the king could procure ſuch vaſt ſums as would require a ſum ſo conſiderable to be paid in exchange. From the whole, however, it appears, that the king had been far from neglecting the intereſts of his daughter and ſon-in-

law, and had even gone far beyond what his narrow revenge could afford.

NOTE [O], p. 144.

HOW little this principle had prevailed, during any former period of the Engliſh government, particularly during the laſt reign, which was certainly not ſo perfect a model of liberty as moſt writers would repreſent it, will eaſily appear from many paſſages in the hiſtory of that reign. But the ideas of men were much changed, during about twenty years of a gentle and peaceful adminiſtration The commons, though James, of himſelf, had recalled all patents of monopolies, were not contented without a law againſt them, and a declatory law too; which was gaining a great point, and eſtabliſhing principles very favourable to liberty: But they were extremely grateful, when Elizabeth, upon petition, (after having once refuſed their requeſts,) recalled a few of the moſt oppreſſive patents; and employed ſome ſoothing expreſſions towards them.

The parliament had ſurely reaſon, when they confeſſed, in the ſeventh of James, that he allowed them more freedom of debate than ever was indulged by any of his predeceſſors. His indulgence in this particular, joined to his eaſy temper, was probably one cauſe of the great power aſſumed by the commons. Monſieur de la Boderie, in his diſpatches, vol. i. p. 449, mentions the liberty of ſpeech in the houſe of commons as a new practice.

NOTE [P], p. 150.

RYMER, tom. xviii. p. 224. 'Tis certain that the young prince of Wales, afterwards Charles II. had proteſtant governors from his early infancy; firſt the earl of Newcaſtle, then the marquis of Hartford. The king, in his memorial to foreign churches after the commencement of the civil

civil wars, inſiſts on his care in educating his children in the Proteſtant religion, as a proof that he was nowiſe inclined to the Catholic. Ruſhworth, vol. v. p. 752. It can ſcarcely, therefore, be queſtioned, but this article, which has ſo odd an appearance, was inſerted only to amuſe the pope, and was never intended by either party to be executed.

NOTE [Q], p. 161.

"MONARCHIES," according to Sir Walter Raleigh, "are of two ſorts touching their power or "authority, *viz.* 1. Entire, where the whole power of or- "dering all ſtate matters, both in peace and war, doth, by "law and cuſtom, appertain to the prince, as in the Engliſh "kingdom; where the prince hath the power to make laws, "league and war; to create magiſtrates; to pardon life; of "appeal, *&c.* Though, to give a contentment to the other "degrees, they have a ſufferage in making laws, yet ever ſub- "ject to the prince's pleaſure and negative will.—2. Limi- "ted or reſtrained, that hath no full power in all the points "and matters of ſtate, as the military king that hath not "the ſovereignty in time of peace, as the making of laws, "*&c.* But in war only, as the Polonian king. *Maxims of* "*State.*"

And a little after: "In every juſt ſtate, ſome part of the "government is, or ought to be, imparted to the people, as "in a kingdom, a voice and ſuffrage in making laws; and "ſometimes alſo of levying of arms, (if the charge be great, "and the prince forced to borrow help of his ſubjects,) the "matter rightly may be propounded to a parliament, that "the tax may *ſeem* to have proceeded from themſelves. So "conſultations and ſome proceedings in judicial matters may, "in part, be referred to them. The reaſon, leſt, ſeeing "themſelves to be in no number nor of reckoning, they miſ- "like the ſtate or government." This way of reaſoning differs little from that of King James, who conſidered the privileges of the parliament as matters of grace and indulgence, more than of inheritance. It is remarkable that Raleigh was thought to lean towards the puritanical party, notwithſtanding

theſe poſitions. But ideas of government change much in different times.

Raleigh's ſentiments on this head are ſtill more openly expreſſed, in his *Prerogative of Parliaments*; a work not publiſhed till after his death. It is a dialogue between a courtier or counſellor and a country juſtice of peace, who repreſents the patriot party, and defends the higheſt notions of liberty, which the principles of that age would bear. Here is a paſſage of it: "*Counſellor*. That which is done by the king, "with the advice of his private or privy council, is done by "the king's abſolute power. *Juſtice*. And by whoſe power "is it done in parliament but by the king's abſolute power? "Miſtake it not, my lord: The three eſtates do but adviſe "as the privy council doth; which advice, if the king embrace "it becomes the king's own act in the one, and the king's "law in the other," *&c.*

The earl of Clare, in a private letter to his ſon-in-law, Sir Thomas Wentworth, afterwards earl of Strafford, thus expreſſes himſelf: "We live under a prerogative government, "where book law ſubmits to *lex loquens*." He ſpoke from his own, and all his anceſtors' experience. There was no ſingle inſtance of power, which a king of England might not, at that time, exert, on pretence of neceſſity or expediency: The continuance alone, or frequent repetition of arbitrary adminiſtration, might prove dangerous for want of force to ſupport it. It is remarkable, that this letter of the earl of Clare was written in the firſt year of Charles's reign; and conſequently muſt be meant of the general genius of the government, not the ſpirit or temper of the monarch. See Strafford's letters, vol. i. p. 32. From another letter in the ſame collection, vol. i. p. 10. it appears, that the council ſometimes aſſumed the power of forbidding perſons diſagreeable to the court, to ſtand in the elections. This authority they could exert in ſome inſtances; but we are not thence to infer, that they could ſhut the door of that houſe to every one who was not acceptable to them. The genius of the ancient government repoſed more truſt in the king, than to entertain any ſuch ſuſpicion; and it allowed ſcattered inſtances, of ſuch a kind as would have been totally deſtructive of the conſtitution, had they been continued without interruption.

I have not met with any Engliſh writer in that age, who ſpeaks of England as a limited monarchy, but as an abſolute one,

one, where the people have many privileges. That is no contradiction. In all European monarchies the people have privileges; but whether dependent or independent on the will of the monarch, is a queſtion, that in moſt governments, it is better to forbear. Surely that queſtion was not determined, before the end of James. The riſing ſpirit of the parliament, together with that king's love of general, ſpeculative principles brought it from its obſcurity, and made it be commonly canvaſſed. The ſtrongeſt teſtimony, that I remember from a writer of James's age, in favour of Engliſh liberty, is in cardinal Bentivoglio, a foreigner, who mentions the Engliſh government as ſimilar to that of the Low Country provinces under their princes, rather than to that of France or Spain. Engliſhmen were not ſo ſenſible that their prince was limited, becauſe they were ſenſible that no individual had any ſecurity againſt a ſtretch of prerogative: But foreigners, by compariſon, could perceive, that theſe ſtretches were, at that time, from cuſtom, or other cauſes, leſs frequent in England than in other monarchies. Philip de Comines too remarked the Engliſh conſtitution to be more popular in his time than that of France. But in a paper written by a patriot in 1627, it is remarked, that the freedom of ſpeech in parliament had been loſt in England, ſince the days of Comines. See Franklyn, p. 238. Here is a ſtanza of Malherbe's Ode to Mary de Medicis, the queen-regent, written in 1614.

Entre les rois à qui cet age
Doit ſon principal ornement,
Ceux de la Tamiſe et du Tage
Font louer leur gouvernement:
Mais en de ſi calmes provinces,
Ou le peuple adore les princes,
Et met au gré le plus haut
L'honneur du ſceptre legitime,
Sçauroit-on excuſer le crime
De ne regner pas comme il faut.

The Engliſh, as well as the Spaniards, are here pointed out as much more obedient ſubjects than the French, and much more tractable and ſubmiſſive to their princes. Though this paſſage be taken from a poet, every man of judgment will allow its authority to be deciſive. The character of a national government cannot be unknown in Europe; though it changes

changes ſomtimes very ſuddenly. Machiavel, in his Diſſertations on Livi, ſays repeatedly, that France was the moſt legal and moſt popular monarchy then in Europe.

NOTE [R], p. 161.

PASSIVE obedience is expreſsly and zealouſly inculcated in the homilies, compoſed and publiſhed by authority, in the reign of Queen Elizabeth. The convocation, which met in the very firſt year of the king's reign, voted as high monarchial principles as are contained in the decrees of the univerſity of Oxford, during the rule of the Tories. Theſe principles, ſo far from being deemed a novelty, introduced by James's influence, paſſed ſo ſmoothly, that no hiſtorian, has taken notice of them: They were never the ſubject of controverſy, or diſpute, or diſcourſe; and it is only by means of biſhop Overall's convocation-book, printed near ſeventy years after, that we are acquainted with them. Would James, who was ſo cautious, and even timid, have ventured to begin his reign with a bold ſtroke, which would have given juſt grounds of jealouſy to his ſubjects? It appears, from that monarch's Baſilicon Doron, written while he was in Scotland, that the republican ideas of the origin of power from the people were, at that time, eſteemed puritanical novelties. The patriarchal ſcheme, it is remarkable, is inculcated in thoſe votes of the convocation preſerved by Overall; nor was Filmer the firſt inventor of thoſe abſurd notions.

NOTE [S], p. 181.

THAT of the honeſt hiſtorian Stowe ſeems not to have been of this number: "The great bleſſings of God," ſays he, "through increaſe of wealth in the common ſubjects "of this land, eſpecially upon the citizens of London; ſuch "within men's memory, and chiefly within theſe few years "of peace, that, except there were now due mention of ſome "ſort made thereof, it would in time to come be held incre-

"dible,

" dible, &c. In another place, " Amongſt the manifold " tokens and ſigns of the infinite bleſſings of Almighty God " beſtowed upon this kingdom, by the wondrous and merci- " ful eſtabliſhing of peace within ourſelves, and the full be- " nefit of concord with all Chriſtian nations and others: Of " all which graces let no man dare to preſume he can ſpeak " too much; whereof in truth there can never be enough " ſaid, neither was there ever any people leſs conſiderate and " leſs thankful than at this time, being not willing to endure " the memory of their preſent happineſs, as well as in the " univerſal increaſe of commerce and traffic throughout the " kingdom, great building of royal ſhips and by private mer- " chants, the re-peopling of cities, towns, and villages, be- " ſide the diſcernible and ſudden increaſe of fair and coſtly " buildings, as well within the city of London as the ſuburbs " thereof, eſpecially within theſe twelve years, &c."

NOTE [T], p. 217.

BY a ſpeech of Sir Simon D'Ewes, in the firſt year of the long parliament, it clearly appears, that the nation never had, even to that time, been rightly informed concerning the tranſactions of the Spaniſh negociation, and ſtill believed the court of Madrid to have been altogether inſincere in their profeſſions. What reaſon, upon that ſuppoſition, had they to blame either the prince or Buckingham for their conduct, or for the narrative delivered to the parliament? This is a capital fact, and ought to be well attended to. D'Ewes's ſpeech is in Nalſon, vol. ii. p. 368. No author or hiſtorian of that age mentions the diſcovery of Buckingham's impoſtures as a cauſe of diſguſt in the parliament. Whitlocke, p. 1. only ſays, that the commons began to ſuſpect, *that it had been ſpleen in Buckingham*, not zeal for public good, *which had induced him to break the Spaniſh match:* A clear proof that his falſehood was not ſuſpected. Wilſon, p. 780. ſays, that Buckingham loſt his popularity after Briſtol arrived, not becauſe that nobleman diſcovered to the world the falſehood of his narrative, but becauſe he proved that Buckingham, while

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in Spain, had profeſſed himſelf a Papiſt; which is falſe, and which was never ſaid by Briſtol. In all the debates which remain, not the leaſt hint is ever given, that any falſehood was ſuſpected in the narrative. I ſhall farther add, that even if the parliament had diſcovered the deceit in Buckingham's narrative, this ought not to have altered their political meaſures, or made them refuſe ſupply to the king. They had ſuppoſed it practicable to wreſt the Palatinate by arms from the houſe of Auſtria; they had repreſented it as prudent to expend the blood and treaſure of the nation in ſuch an enterprize; they had believed that the king of Spain never had any ſincere intention of reſtoring that principality. It is certain that he had not now any ſuch intention: And though there was reaſon to ſuſpect, that this alteration in his views had proceeded from the ill conduct of Buckingham, yet paſt errors could not be retrived; and the nation was undoubtedly in the ſame ſituation, which the parliament had ever ſuppoſed, when they ſo much harraſſed their ſovereign, by their impatient, importunate, and even undutiful ſolicitations. To which we may add, that Charles himſelf was certainly deceived by Buckingham, when he corroborated his favourite's narrative by his teſtimony. Party hiſtoriane are ſomewhat inconſiſtent in their repreſentations of theſe tranſactions: They repreſent the Spaniards as totally inſincere, that they may reproach James with credulity in being ſo long deceived by them: They repreſent them as ſincere, that they may reproach the king, the prince, and the duke, with falſehood in their narrative to the parliament. The truth is, they were inſincere at firſt; but the reaſons, proceeeding from bigotry, were not ſuſpected by James, and were at laſt overcome. They became ſincere; but the prince, deceived by the many unavoidable cauſes of delay, believed that they were ſtill deceiving him.

NOTE [U], p. 253.

THIS petition is of ſo great importance, that we ſhall here give it at length: Humbly ſhew unto our ſovereign lord the king, the lords ſpiritual and temporal, and commons, in parliament aſſembled, That, whereas it is declared and enacted by

by a ſtatute made in the time of the reign of King Edward I. commonly called *Statutum de tallagio non concedendo*, that no tallage or aid ſhall be levied by the king or his heirs in this realm, without the good will and aſſent of the archbiſhops, biſhops, earls, barons, knights, burgeſſes, and other the freemen of the commonalty of this realm: And, by authority of parliament holden in the five and twentieth year of the reign of King Edward III. it is declared and enacted, That, from thenceforth, no perſon ſhall be compelled to make any loans to the king againſt his will, becauſe ſuch loans were againſt reaſon, and the franchiſe of the land: And, by other laws of this realm, it is provided, that none ſhould be charged by any charge or impoſition called a benevolence, or by ſuch like charge: By which the ſtatutes before mentioned, and other the good laws and ſtatutes of this realm, your ſubjects have inherited this freedom, that they ſhould not be compelled to contribute to any tax, tallage, aid, or other like charge, not ſet by common conſent in parliament.

II. Yet nevertheleſs, of late divers commiſſions directed to ſundry commiſſioners in ſeveral counties, with inſtructions, have iſſued; by means whereof your people have been in divers places aſſembled, and required to lend certain ſums of money unto your Majeſty, and many of them, upon their refuſal ſo to do, have had an oath adminiſtered unto them not warrantable by the laws or ſtatutes of this realm, and have been conſtrained to become bound to make appearance and give attendance before your privy council, and in other places, and others of them, have been therefore impriſoned, confined, and ſundry other ways moleſted and diſquieted: And divers other charges have been laid and levied upon your people, in ſeveral counties, by lord-lieutenants, deputy-lieutenants, commiſſioners for muſters, juſtice of peace, and others, by command or direction from your majeſty, or your privy council, againſt the laws and free cuſtoms of this realm.

III. And whereas alſo, by the ſtatute called *The great charter of the liberties of England*, it is declared and enacted, That no freeman may be taken or impriſoned, or be diſſeized of his freehold or liberties, or his free cuſtoms, or be outlawed or exiled, or in any manner deſtroyed, but

but by the lawful judgment of his peers, or by the law of the land.

IV. And, in the eight and twentieth year of the reign of King Edward III. it was declared and enacted, by authority of parliament. That no man, of what eſtate or condition that he be, ſhould be put out of his land or tenements, nor taken, nor impriſoned, nor deſherited, nor put to death, without being brought to anſwer by due proceſs of law.

V. Nevertheleſs, againſt the tenor of the ſaid ſtatutes, and other the good laws and ſtatutes of your realm to that end provided, divers of your ſubjects have of late been impriſoned without any cauſe ſhewed: And, when, for their deliverance, they were brought before juſtice, by your majeſty's writs of *Habeas Corpus*, there to undergo and receive, as the court ſhall order, and their keepers commanded to certify the cauſes of their detainer, no cauſe was certified, but that they were detained by your majeſty's ſpecial command, ſignified by the lords of your privy council, and yet were returned back to ſeveral priſons, without being charged with any thing to which they might make anſwer according to the law.

VI. And whereas of late great companies of ſoldiers and mariners have been diſperſed into divers counties of the realm, and the inhabitants, againſt their wills, have been compelled to receive them into their houſes, and there to ſuffer them to ſojourn, againſt the laws and cuſtoms of this realm, and to the great grievance and vexation of the people.

VII. And whereas alſo, by authority of parliament, in the five and twentieth year of the reign of King Edward III. it is declared and enacted, That no man ſhould be fore-judged of life or limb againſt the form of the *Great charter*, and law of the land: And, by the ſaid *Great charter*, and other the laws and ſtatutes of this your realm, no man ought to be judged to death but by the laws eſtabliſhed in this your realm, either by the cuſtoms of the ſaid realm, or by acts of parliament: And whereas no offender, of what kind ſoever, is exempted from the proceedings to be uſed, and puniſhments to be inflicted by the laws and ſtatutes of this your realm: Nevertheleſs,

leſs, of late divers commiſſions, under your majeſty's great ſeal, have iſſued forth, by which certain perſons have been aſſigned and appointed commiſſioners, with power and authority to proceed within the land, according to the juſtice of martial law, againſt ſuch ſoldiers and mariners, or other diſſolute perſons joining with them, as ſhould commit any murther, robbery, felony, mutiny, or other outrage or miſdemeanour whatſoever, and by ſuch ſummary courſe and order as is agreeable to martial law, and as is uſed in armies in time of war, to proceed to the trial and condemnation of ſuch offenders, and them to cauſe to be executed and put to death according to the law martial.

VIII. By pretext whereof ſome of your majeſty's ſubjects have been, by ſome of the ſaid commiſſioners, put to death, when and where, if, by the laws and ſtatutes of the land, they had deſerved death, by the ſame laws and ſtatutes alſo they might, and by no other ought, to have been judged and executed.

IX. And alſo ſundry grievous offenders, by colour thereof, claiming an exemption, have eſcaped the puniſhments due to them by the laws and ſtatutes of this your realm, by reaſon that divers of your officers and miniſters of juſtice have unjuſtly refuſed to ſuborn or proceed againſt ſuch offenders, according to the ſame laws and ſtatutes, upon pretence that the ſaid offenders were puniſhable only by martial law, and by authority of ſuch commiſſions as aforeſaid: Which commiſſions, and all others of like nature, are wholly and directly contrary to the ſaid laws and ſtatutes of this your realm.

X. They do therefore humbly pray your moſt excellent majeſty, That no man hereafter be compelled to make or yield any gift, loan, benevolence, tax, or ſuch like charge, without common conſent, by act of parliament: And that none be called to make anſwer, or take ſuch oath, or to give attendance, or be confined, or otherwiſe moleſted or diſquieted concerning the ſame, or for refuſal thereof: And that no freeman, in any ſuch manner as is before mentioned, be impriſoned or detained: And that your majeſty would be pleaſed to remove the ſaid ſoldiers and mariners, and that people

people may not be ſo burthened in time to come; and that the the aforeſaid commiſſions, for proceeding by martial law, may be revoked and annulled: And that hereafter no commiſſions of like nature may iſſue forth, to any perſon or perſons whatſoever, to be executed as aforeſaid, leſt, by colour of them, any of your majeſty's ſubjects be deſtroyed, or put to death, contrary to the laws and franchiſe of the land.

XI. All which they moſt humbly pray of your moſt excellent majeſty, as their rights and liberties, according to the laws and ſtatutes of this realm: And that your majeſty would alſo vouchſafe to declare, That the awards, doings, and proceedings to the prejudice of your people, in any of the premiſſes, ſhall not be drawn hereafter into conſequence or example: And that your majeſty would be alſo graciouſly pleaſed, for the further comfort and ſafety of your people, to declare your royal will and pleaſure, that in the things aforeſaid, all your officers and miniſters ſhall ſerve you according to the laws and ſtatutes of this realm, as they tender the honour of your majeſty, and the proſperity of this kingdom. *Stat.* 17 *Car. cap.* 14.

NOTE [X], p. 267.

THE reaſon aſſigned by Sir Philip Warwick, p. 2. for this unuſual meaſure of the commons, is, that they intended to deprive the crown of the prerogative, which it had aſſumed, of varying the rates of the impoſitions, and at the ſame time were reſolved to cut off the new rates fixed by James. Theſe were conſiderable dimunitions both of revenue and prerogative; and whether they would have there ſtopped, conſidering their preſent diſpoſition, may be much doubted. The king, it ſeems, and the lords, were reſolved not to truſt them; nor to render a revenue once precarious, which perhaps they might never afterwards be able to get reeſtabliſhed on the old footing.

NOTE

NOTE [Y], p. 304.

HERE is a passage of Sir John Davis's question concerning impositions, p. 131. "This power of laying on "arbitrarily new impositions, being a prerogative in point of "government, as well as in point of profit, it cannot be re"strained or bound by act of parliament; it cannot be limit"ed by any certain or fixt rule of law, no more than the "course of a pilot upon the sea, who must turn the helm, or "bear higher or lower sail, according to the wind or weather; "and, therefore, it may be properly said, that the king's pre"rogative in this point is as strong as *Samson*; it cannot be "bound: For though an act of parliament be made to restrain "it, and the king doth give his consent unto it, as *Samson* "was bound with his own consent; yet if the *Philistines* "come; that is, if any just or important occasion do arise, "it cannot hold or restrain the prerogative; it will be as "thread, and broken as easy as the bonds of *Samson*—The "king's prerogatives are the sun-beams of the crown, and as "inseparable from it as the sun-beams from the sun: The "king's crown must be taken from him; *Samson's* hair must "be cut out, before his courage can be any jot abated.— "Hence it is, that neither the king's act, nor any act of par"liament, can give away his prerogative."

NOTE [Z], p. 356.

WE shall here make use of the liberty allowed in a note, to expatiate a little on the present subject. It must be confessed, that the king, in his declaration, touched upon that circumstance in the English constitution, which it is most difficult, or rather altogether impossible, to regulate by laws, and which must be governed by certain delicate ideas of propriety and decency, rather than by any exact rule or prescription. To deny the parliament all right of remonstrating against what they esteem grievances, were to reduce that assembly to a total insignificancy, and to deprive the people of every advantage which they could reap from popular coun-

cils. To complain of the parliament's employing the power of taxation, as the means of extorting conceſſions from their ſovereign, were to expect, that they would entirely diſarm themſelves, and renounce the ſole expedient, provided by the conſtitution, for enſuring to the kingdom a juſt and legal adminiſtration. In different periods of Engliſh ſtory, there occur inſtances of their remonſtrating with their princes in the ſtrongeſt manner, and ſome times of their refuſing ſupply when diſguſted with any circumſtance of public conduct. 'Tis, however, certain, that this power, though eſſential to parliaments, may eaſily be abuſed, as well by the frequency and minuteneſs of their remonſtrances, as by their intruſion into every part of the king's councils and determinations. Under colour of advice, they may give diſguſted orders; and, in complaining of grievances, they may draw to themſelves every power of government. Whatever meaſure is embraced, without conſulting them, may be pronounced an oppreſſion of the people; and, till corrected, they may refuſe the moſt neceſſary ſupplies to their indignant ſovereign. From the very nature of this parliamentary liberty, it is evident, that it muſt be left unbounded by law: For who can foretell how frequently grievances may occur, or what part of adminiſtration may be affected by them? From the nature, too, of the human frame, it may be expected, that this liberty would be exerted in its full extent, and no branch of authority be allowed to remain unmoleſted in the hands of the prince: For will the weak limitations of reſpect and decorum be ſufficient to reſtrain human ambition, which ſo frequently breaks through all the preſcriptions of law and juſtice?

But here it is obſervable, that the wiſdom of the Engliſh conſtitution, or rather the concurrence of accidents, has provided, in different periods, certain irregular checks to this privilege of parliament, and thereby maintained, in ſome tolerable meaſure, the dignity and authority of the crown.

In the ancient conſtitution, before the beginning of the ſeventeenth century, the meetings of parliament were precarious, and were not frequent. The ſeſſions were ſhort; and the

the members had no leisure either to get acquainted with each other, or with public business. The ignorance of the age made men more submissive to that authority which governed them. And, above all, the large revenues of the crown, with the small expence of government during that period, rendered the prince almost independent, and taught the parliament to preserve great submission and duty towards him.

In our present constitution, many accidents, which have rendered governments every where, as well as in Great Britain, much more burdensome than formerly, have thrown into the hands of the crown the disposal of a large revenue, and have enabled the king, by the private interest and ambition of the body. While the opposition (for we must still have an opposition, open or disguised) endeavours to draw every branch of administration under the cognizance of parliament, the courtiers reserve a part to the disposal of the crown: and the royal prerogative, though deprived of its ancient powers, still maintains a due weight in the balance of the constitution.

It was the fate of the house of Stuart to govern England at a period when the former source of authority was already much diminished, and before the latter began to flow in any tolerable abundance. Without a regular and fixed foundation, the throne perpetually tottered; and the prince sat upon it anxiously and precariously. Every expedient, used by James and Charles, in order to support their dignity, we have seen attended with sensible inconveniencies. The majesty of the crown, derived from ancient powers and prerogatives, procured respect, and checked the approaches of insolent intruders: But it begat in the king so high an idea of his own rank and station, as made him incapable of stooping to popular courses, or submitting, in any degree, to the controul of parliament. The alliance with the hierarchy strengthened law by the sanction of religion: But it enraged the puritanical party, and exposed the prince to the attacks of enemies, numerous, violent, and implacable. The

misery too of those two kings, from like causes, has been attended, in some degree, with the same infelicity which pursued them during the whole course of their lives. Though it must be confessed, that their skill in government was not proportioned to the extreme delicacy of their situation, a judicious indulgence has not been given them, and all the blame, by several historians, has been unjustly thrown on their side. Their violations of law, particularly those of Charles, are, in some few instances, transgressions of a plain limit, which was marked out to royal authority. But the encroachments of the commons, though, in the beginning, less positive and determinate, are no less discernible by good judges, and were equally capable of destroying the just balance of the constitution. While they exercised the powers transmitted to them in a manner more independent and less compliant than had ever before been practised, the kings were, perhaps, imprudently, but, as they imagined, from necessity, tempted to assume powers which had scarcely ever been exercised, or had been exercised in a different manner by the crown. And from the shock of these opposite pretensions, together with religious controversy, arose all the factions, convulsions, and disorders which attended that period.

This Note was, in the first editions, a part of the text.

NOTE [AA], p. 415.

MR Carte, in his life of the duke of Ormond, has given us some evidence to prove that this letter was entirely a forgery of the popular leaders, in order to induce the king to sacrifice Strafford. He tells us, that Strafford said so to his son the night before his execution. But there are some reasons why I adhere to the common way of telling this story. 1. The account of the forgery comes through several hands, and from men of characters not fully known to the public. A circumstance which weakens every evidence. It is a hearsay of a hearsay. 2. It seems impossible, but young Lord Strafford must inform the king, who would not have failed to trace the forgery, and expose his enemies to their merited

ed infamy. 3. It is not to be conceived but Clarendon and Whitlocke, not to mention others, muſt have heard of the matter. 4. Sir George Ratcliffe, in his life of Strafford, tells the ſtory the ſame way that Clarendon and Whitlocke do.—Would he alſo, who was Strafford's intimate friend, never have heard of the forgery? It is remarkable, that his life is dedicated or addreſſed to young Strafford. Would not he have put Sir George right in ſo material and intereſting a fact?

NOTE [BB], p. 416.

WHAT made this bill appear of leſs conſequence was, that the parliament voted tonnage and poundage for no longer a period than two months: And as that branch was more than half of the revenue, and the government could not poſſibly ſubſiſt without it, it ſeemed indirectly in the power of the parliament to continue themſelves as long as they pleaſed. This, indeed, was true in the ordinary adminiſtration of government; but on the approaches towards a civil war, which was not then foreſeen, it had been of great conſequence to the king to have reſerved the right of diſſolution, and to have endured any extremity rather than allow the continuance of the parliament.

NOTE [CC], p. 447.

IT is now ſo univerſally allowed, notwithſtanding ſome muttering to the contrary, that the king had no hand in the Iriſh rebellion, that it will be ſuperfluous to inſiſt on a point which ſeems ſo clear. I ſhall only ſuggeſt a very few arguments, among an infinite number which occur. (1) Ought the affirmation of perfidious, infamous rebels ever to have paſſed for any authority? (2) Nobody can tell us what the words of the pretended commiſſion were. That commiſſion which we find in Ruſhworth, vol. v. p. 400. and in Milton's Works, Toland's edition, is plainly an impoſture; becauſe it pretends to be dated in October 1641, yet mentions facts which happened not till ſome months after. It appears, that

the Irish rebels, observing some inconsistence in their first forgery, were obliged to forge this commission anew, yet could not render it coherent or probable. (3) Nothing could be more obviously pernicious to the king's cause than this Irish rebellion; because it increased his necessities, and rendered him still more dependent on the parliament, who had before sufficiently shown on what terms they would assist him. (4) The instant the king heard of the rebellion, which was a very few days after its commencement, he wrote to the parliament, and gave over to them the management of the war. Had he built any projects on that rebellion, would he not have waited some little time to see how they would succeed? Would he presently have adopted a measure which was evidently so hurtful to his authority? (5) What can be imagined to be the king's projects? To raise the Irish to arms, I suppose, and bring them over to England for his assistance. But is it not plain, that the king never intended to raise war in England? Had that been his intention, would he have rendered the parliament perpetual? Does it not appear, by the whole train of events, that the parliament forced him into the war? (6) The king conveyed to the justices intelligence which ought to have prevented the rebellion. (7) The Irish Catholics, in all their future transactions with the king, where they endeavour to excuse their insurrection, never had the assurance to plead his commission.—Even among themselves they dropped that pretext. It appears, that Sir Phelim O'Neale chiefly, and he only at first promoted that imposture. See Carte's Ormond, vol. iii. No. 100, 111, 112, 114, 115, 121, 132, 137. (8) O'Neale himself confessed the imposture on his trial and at his execution. See Nalson, vol. ii. p. 528. Maguire, at his execution, made a like confession. (9) It is ridiculous to mention the justification which Charles II. gave to the marquis of Antrim, as if he had acted by his father's commission. Antrim had no hand in the first rebellion and the massacre. He joined not the rebels till two years after: It was with the king's consent; and he did important service in sending over a body of men to Montrose.

NOTE

NOTE [DD], p. 486.

THE great courage and conduct diſplayed by many of the popular leaders, have commonly inclined men to do them, in one reſpect, more honour than they deſerve, and to ſuppoſe, that, like able politicians, they employed pretences which they ſecretly deſpiſed, in order to ſerve their ſelfiſh purpoſes. It is, however, probable, if not certain, that they were, generally ſpeaking, the dupes of their own zeal. Hypocriſy, quite pure and free from fanaticiſm, is perhaps, except among men fixed in a determined philoſophical ſcepticiſm, then unknown, as rare as fanaticiſm entirely purged from all mixture of hypocriſy. So congenial to the human mind are religious ſentiments, that it is impoſſible to counterfeit long theſe holy fervours, without feeling ſome ſhare of the aſſumed warmth: And, on the other hand, ſo precarious and temporary, from the frailty of human nature, is the operation of theſe ſpiritual views, that the religious exerciſes, if conſtantly employed, muſt often be counterfeit, and muſt be warped by thoſe more familiar motives of intereſt and ambition which inſenſibly gain upon the mind. This indeed ſeems the key to moſt of the celebrated characters of that age. Equally full of fraud and of ardour, theſe pious patriots talked perpetually of ſeeking the Lord, yet ſtill purſued their own purpoſes; and have left a memorable leſſon to poſterity, how deluſive, how deſtructive, that principle is by which they were animated.

With regard to the people, we can entertain no doubt, that the controverſy was, on their part, entirely theological.—The generality of the nation could never have flown out into ſuch fury, in order to obtain new privileges and acquire greater liberty than they and their anceſtors had ever been acquainted with. Their fathers had been entirely ſatisfied with the government of Elizabeth: Why ſhould they have been thrown into ſuch extreme rage againſt Charles, who, from the beginning of his reign, wiſhed only to maintain ſuch a government?

government? And why not, at leaſt, compound matters with him, when, by all his laws it appeared that he had agreed to depart from it? Eſpecially, as he had put it entirely out of his power to retract that reſolution. It is in vain, therefore, to dignify this civil war and the parliamentary authors of it, by ſuppoſing it to have any other conſiderable foundation than theological zeal, that great and noted ſource of animoſity among men. The royaliſts alſo were very commonly zealots; but as they were, at the ſame time, maintaining the eſtabliſhed conſtitution, in ſtate as well as in church, they had an object which was natural, and which might produce the greateſt paſſion, even without any conſiderable mixture of theological fervour. *The former part of this note was, in the firſt editions, a part of the text.*

NOTE [EE], p. 488.

IN ſome of theſe declarations, ſuppoſed to be penned by Lord Falkland, is found the firſt regular definition of the conſtitution, according to our preſent ideas of it, that occurs in any Engliſh compoſition; at leaſt, any publiſhed by authority. The three ſpecies of government, monarchical, ariſtocratical, and democratical, are there plainly diſtinguiſhed, and the Engliſh government is expreſsly ſaid to be none of them pure, but all of them mixed and tempered together.—This ſtile, though the ſenſe of it was implied in many inſtitutions, no former king of England would have uſed, and no ſubject would have been permitted to uſe. Banks and the crown-lawyers againſt Hambden, in the caſe of ſhip-money, inſiſt plainly and openly on the king's abſolute and ſovereign power: And the oppoſite lawyers do not deny it: They only aſſert, that the ſubjects have alſo a fundamental property in their goods, and that no part of them can be taken but by their own conſent in parliament. But that the parliament was inſtituted to check and controul the king, and ſhare the ſupreme power, would, in all former times, have been eſteemed very blunt and indiſcreet, if not illegal language. We need not be ſurpriſed that government ſhould long continue, though

though the boundaries of authority, in their several branches, be implicit, confused, and undetermined. This is the case all over the world. Who can draw an exact line between the spiritual and temporal powers in Catholic states? What code ascertained the precise authority of the Roman senate in every occurrence? Perhaps the English is the first mixed government where the authority of every part has been very accurately defined: And yet there still remain many very important questions between the two houses, that, by common consent, are buried in a discreet silence. The king's power is, indeed, more exactly limited; but this period, of which we now treat, is the time at which that accuracy commenced. And it appears from Warwick and Hobbes, that many royalists blamed this philosophical precision in the king's penman, and thought that the veil was very imprudently drawn off the mysteries of government. It is certain, that liberty reaped mighty advantages from these controversies and enquiries; and the royal authority itself became more secure within those provinces which were assigned to it. *Since the first publication of this history, the sequel of Lord Clarendon has been published; where that nobleman asserts, that he himself was the author of most of these remonstrances and memorials of the king.*

NOTE [FF], p. 511.

WHITLOCKE, who was one of the commissioners, says, p. 65. "In this treaty, the king manifested his "great parts and abilities, strength of reason and quickness "of apprehension, with much patience in hearing what was "objected against him; wherein he allowed all freedom, and "would himself sum up the arguments, and give a most clear "judgment upon them. His unhappiness was, that he had "a better opinion of others judgments than of his own, "though they were weaker than his own; and of this the "parliament commissioners had experience to their great "trouble. They were often waiting on the king, and debating some points of the treaty with him until mid-night,

"before

" before they could come to a conclusion. Upon one of the " moſt material points, they preſſed his majeſty with their " reaſons and beſt arguments they could uſe to grant what " they deſired. The king ſaid, he was fully ſatisfied, and " promiſed to give them his anſwer in writing according to " their deſire; but becauſe it was then paſt midnight, and too " late to put it into writing, he would have it drawn up next " morning, (when he commanded them to wait on him again) " and then he would give them his anſwer in writing, as it " was now agreed upon. But next morning the king told " them, that he had altered his mind: And ſome of his " friends, of whom the commiſſioners enquired, told them, " that after they were gone, and even his council retired, " ſome of his bed-chamber never left preſſing and perſuading " him till they prevailed on him to change his former reſolu- " tions." It is difficult, however, to conceive, that any negociation could have ſucceeded between the king and parliament, while the latter inſiſted, as they did all along, on a total ſubmiſſion to all their demands; and challenged the whole power, which they profeſſedly intended to employ, to the puniſhment of all the king's friends.

NOTE [GG], p. 521.

THE author is ſenſible, that ſome blame may be thrown upon him, on account of this laſt clauſe in Mr Hambden's character; as if he were willing to entertain a ſuſpicion of bad intentions where the actions were praiſe-worthy. But the author's meaning is directly contrary: He eſteems the laſt actions of Mr Hambden's life to have been very blameable; though, as they were derived from good motives only puſhed to an extreme, there is room left to believe, that the intentions of that patriot, as well as of many of his party, were laudable. Had the preceding adminiſtration of the king, which we were apt to call arbitrary, proceeded from ambition, and an unjuſt deſire of encroaching on the ancient liberties of the people, there would have been leſs reaſon for giving him any truſt, or leaving in his hands a conſiderable

ſhare

ſure of that power which he had ſo much abuſed. But if his conduct was derived in a great meaſure from neceſſity, and from a natural deſire of defending that prerogative which was entruſted to him from his anceſtors, and which his parliaments were viſibly undermining us; there is no reaſon why he may not be eſteemed a very virtuous prince, and entirely worthy of truſt from his people. The attempt, therefore, of totally annihilating monarchical power, was a very blameable extravagance; eſpecially as it was attended with the danger, to ſay the leaſt, of a civil war, which, beſides the numberleſs ills inſeparable from it, expoſed liberty to much greater perils than it could have incurred under the new limited authority of the king. But as theſe points could not be ſuppoſed ſo clear during the time, as they were or may be at preſent; there are great reaſons of alleviation for men who were heated by the controverſy, or engaged in the action. And it is remarkable, that even at preſent (ſuch is the force of party prejudices) there are few people who have coolneſs enough to ſee theſe matters in a proper light, or are convinced that the parliament could prudently have ſtopped in their pretenſions. They ſtill plead the violations of liberty attempted by the king, after granting the petition of right; without conſidering the extreme harſh treatment which he met with, after making that great conceſſion, and the impoſſibility of ſupporting government by the revenue then ſettled on the crown. The worſt of it is, that there was a great tang of enthuſiaſm in the conduct of the parliamentary leaders, which, though it might render their conduct ſincere, will not much enhance their character with poſterity. And though Hambden was, perhaps, leſs infected with this ſpirit than many of his aſſociates, he appears not to have been altogether free from it. His intended migration to America, where he could only propoſe the advantage of enjoying puritanical prayers and ſermons, will be allowed a proof of the prevalence of this ſpirit in him.

NOTE

NOTE [HH], p. 538.

IN a letter of the king to the queen, preſerved in the Britiſh Muſeum, and publiſhed by Mrs Macaulay, vol. iv. p. 420, he ſays, that unleſs religion was preſerved, the militia (being not as in France a formed powerful ſtrength) would be of little uſe to the crown; and that if the pulpits had not obedience, which would never be, if Preſbyterian government was abſolutely eſtabliſhed, the king would have but ſmall comfort of the militia. This reaſoning ſhows the king's good ſenſe, and proves, that his attachment to Epiſcopacy, though partly founded on religious principles, was alſo, in his ſituation, derived from the ſoundeſt views of civil policy. In reality, it was eaſy for the king to perceive, by the neceſſary connexion between trifles and important matters; and by the connexion maintained at that time between religion and politics, that, when he was contending for the ſurplice, he was, in effect, fighting for his crown and even for his head. Few of the popular party could perceive this connexion: Moſt of them were carried headlong by fanaticiſm; as might be expected in the ignorant multitude. Few even of leaders ſeem to have had more enlarged views.



END OF THE SIXTH VOLUME.